

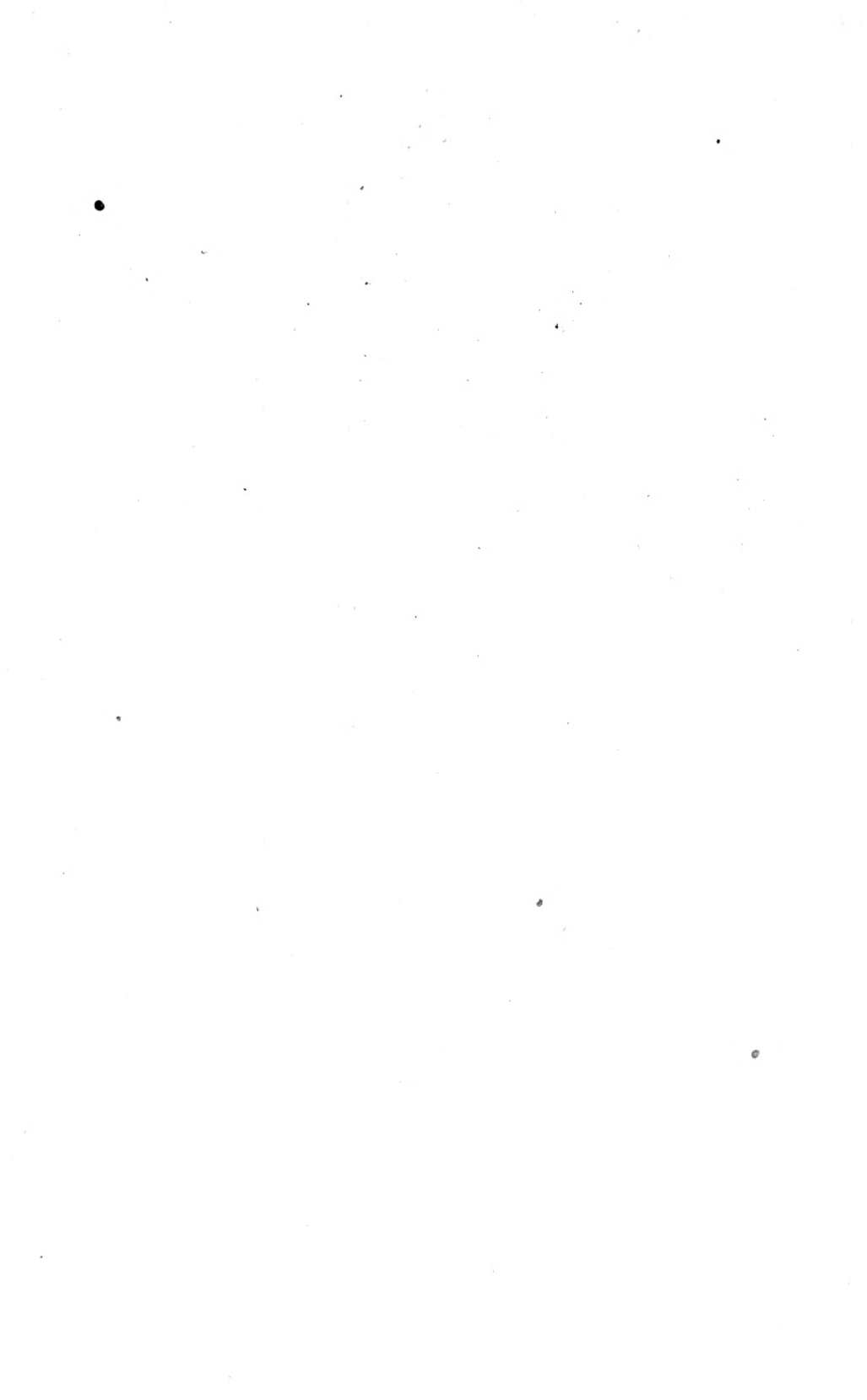




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PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1873,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,  
LIST OF THE CIVIL GOVERNMENT, CHANGES  
OF NAMES OF PERSONS,  
Etc., Etc., Etc.

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PUBLISHED BY THE  
SECRETARY OF THE COMMONWEALTH.

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1873.



# A CONSTITUTION

OR

## FORM OF GOVERNMENT

FOR THE

Commonwealth of Massachusetts.

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### PREAMBLE.

The end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life : and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals : it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them ; that every man may, at all times, find his security in them.

Body politic,  
how formed.  
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit and solemn compact with each other ; and of forming

a new constitution of civil government for ourselves and posterity ; and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish the following *Declaration of Rights and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

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## PART THE FIRST.

### *A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.*

Equality and natural rights of all men.

ART. I. All men are born free and equal, and have certain natural, essential and unalienable rights ; among which may be reckoned the right of enjoying and defending their lives and liberties ; that of acquiring, possessing and protecting property ; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience ; or for his religious profession or sentiments ; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Protection therein.

Amendment, Art. XI., substituted for this.

[III.\* As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality ; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality ; Therefore, to promote their happiness, and to secure the good order and preservation of their Government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and mainte-

Legislature empowered to compel provision for public worship ;

\* NOTE.—Articles of the original constitution and articles of amendment thereto which have become inoperative, by reason of subsequent amendments, are printed in smaller type and enclosed in brackets : obsolete *portions* of articles, in some instances confined to a sentence or single word, are covered by brackets, but allowed to stand in type uniform with the matter still in force.

nance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid toward the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, &c.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected.

Subordination of one sect to another prohibited.

Right of self-government secured.

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents and are at all times accountable to them.

Accountability of all officers, &c.

VI. No man, nor corporation or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor or private interest of any one man, family or class of men: Therefore the people alone have an incontestable, unalienable and indefeasible right to institute government; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

Objects of government; right of people to institute and change it.

Right of people  
to secure rota-  
tion in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the  
qualifications  
prescribed,  
equally eligible  
to offices.

IX. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protec-  
tion and duty of  
contribution  
correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation found-  
ed on consent.

Private prop-  
erty not to be  
taken for pub-  
lic uses with-  
out, &c.

Remedies by  
recourse to the  
law, to be free,  
complete and  
prompt.

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to the laws.

Prosecutions  
regulated.

XII. No subject shall be held to answer for any crimes or offence until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself: and every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.



And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury, in criminal cases, except, &c.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure: and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a State: it ought not, therefore, to be restrained in this Commonwealth.

Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Right to keep and bear arms. Standing armies dangerous.

Military power subordinate to civil.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant ob-

Moral qualifications for office.

Moral obligations of lawgivers and magistrates.

servance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good ; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, &c., and reason thereof.

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.

XXIII. No subsidy, charge, tax, impost or duties ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

*Ex post facto* laws prohibited.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, &c.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Excessive bail or fines, and cruel punishments, prohibited.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

No soldier to be quartered in any house, unless, &c.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner ; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Citizens exempt from law-martial, unless, &c.

XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that

law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well, and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court.

Tenure of their office.

Salaries.

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws, and not of men.

Separation of executive, judicial and legislative departments.

## PART THE SECOND.

### *The Frame of Government.*

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body politic or State, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

Title of body politic.

## CHAPTER I.

### THE LEGISLATIVE POWER.

#### SECTION I.

##### *The General Court.*

ART. I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

Legislative department.

See amend-  
ments, Art. X.

The legislative body [shall assemble every year on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May; and] shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the Commonwealth.

Bill may be  
passed by two-  
thirds of each  
house, notwith-  
standing.

See amend-  
ments, Art. I.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

General court  
may constitute  
judicatories,  
courts of record,  
&c.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying and determining of all manner of crimes, offences, pleas, processes, plaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full

Courts, &c., may  
administer  
oaths.

power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

IV. And further, full power and authoring are hereby given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths, or affirmations as shall be respectively administered unto them for the execution of their several offices and places so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth, for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

General court  
may enact laws,  
&c.,

not repugnant to  
the constitution;

may provide for  
the election or  
appointment of  
officers;

prescribe their  
duties;

impose taxes;

duties and ex-  
cises;

to be disposed  
of for defence,  
protection, &c.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

Valuation of es-  
tates once in ten  
years, at least,  
while, &c.

## CHAPTER I.

## SECTION II.

*Senate.*

Senate, number of, and by whom elected.

See amendments, Arts. XIII., XVI. and XXII.

Counties to be districts, until, &c.  
See amendments, Arts. XIII. and XXII.

[ART. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election : to be chosen by the inhabitants of the districts, into which the Commonwealth may, from time to time, be divided by the general court for that purpose : and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts ; and timely made known, to the inhabitants of the Commonwealth, the limits of each district, and the number of councillors and senators to be chosen therein : provided, that the number of such districts shall never be less than thirteen ; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for councillors and senators, viz. :—

Suffolk, six ; Essex, six ; Middlesex, five ; Hampshire, four ; Plymouth, three ; Barnstable, one ; Bristol, three ; York, two ; Dukes county and Nantucket, one ; Worcester, five ; Cumberland, one ; Lincoln, one ; Berkshire, two.]

Manner and time of choosing senators and councillors.

See amendments, Arts. II., X., XIV. and XV.

See amendments, Arts. III., XX., XXIII. and XXIV.

Word "inhabitant" defined.

II. The Senate shall be the first branch of the legislature ; [and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and councillors ; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district or plantation where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and it shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May, annually, or it shall be delivered into the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.]

Selectmen to  
preside at town  
meetings.

Return of votes.

See amend-  
ments, Art. II.

Amendments,  
Art. X.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of the government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held, annually, [on the same first Monday in April,] at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Inhabitants of  
unincorporated  
plantations, who  
pay State taxes,  
may vote.

Plantation meet-  
ings.  
See amend-  
ments, Art. X.

Assessors to  
notify, &c.

III. And that there may be a due convention of senators [on the last Wednesday in May,] annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such

Governor and  
council to ex-  
amine and count  
votes, and issue  
summonses.

See amend-  
ments, Art. X.

records; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly; [provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.]

Senate to be  
final judge of  
elections, &c.,  
of its own mem-  
bers.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, on the said [last Wednesday in May,] annually, determine and declare who are elected by each district to be senators, [by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.]

See amend-  
ments, Arts.  
X., XIV. and  
XXIV.

Vacancies, how  
filled.

Qualifications of  
a senator.  
See amend-  
ments, Arts.  
XIII. and XXII.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate of the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Senate not to ad-  
journ more than  
two days.

VI. The senate shall have power to adjourn themselves; provided such adjournments do not exceed two days at a time.



VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings. Shall choose its officers and establish its rules.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices : but, previous to the trial of every impeachment, the members of the senate shall, respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this Commonwealth : but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land. Shall try all impeachments.

Oath.

Limitation of sentence.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business. Quorum.

## CHAPTER I.

### SECTION III.

#### *House of Representatives.*

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality. Representation of the people.

[II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative ; every corporate town containing three hundred and seventy-five ratable polls, may elect two representatives ; every corporate town, containing six hundred ratable polls, may elect three representatives ; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative. Representatives, by whom chosen.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative ; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls. See amendments, Arts. XII., XIII. and XXI.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution. Proviso as to towns having less than 150 ratable polls.

Towns liable to fine in case, &c.

Expense of travelling to and from the general court, how paid.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Qualifications of a representative. See amendments, Arts. XIII., XIV. and XXI.

III. Every member of the house of representatives shall be chosen by written votes ; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds ; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.]

Qualifications of a voter.

[IV. Every male person being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

See amendments, Arts. III., XX. and XXIII. Representatives, when chosen. See amendments, Arts. X. and XV. House alone can impeach.

[V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

VI. The house of representatives shall be the grand inquest of this Commonwealth ; and all impeachments made by them shall be heard and tried by the senate.

House to originate all money bills.

VII. All money bills shall originate in the house of representatives ; but the senate may propose or concur with amendments, as on other bills.

Not to adjourn more than two days at a time.

VIII. The house of representatives shall have power to adjourn themselves, provided such adjournment shall not exceed two days at a time.

Quorum. See amendments, Art. XXI. House to judge of returns, &c., of its own members ; to choose its officers and establish its rules, &c. May punish for certain offences.

[IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

X. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution ; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence ; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done in the house ; or who shall assault any of them there-

for; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, return from, or his attending, the general assembly.

Privileges of members.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Senate.

Governor and council may punish.

General limitation.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

Trial may be by committee, or otherwise.

## CHAPTER II.

### EXECUTIVE POWER.

#### SECTION I.

##### *Governor.*

ART. I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.

Governor.  
His title.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceeding; and unless he shall, at the same time, be seised, in his own right, of a freehold, within the Commonwealth, of the value of one thousand pounds; [and unless he shall declare himself to be of the Christian religion.]

To be chosen annually.

Qualifications.

See amendments, Art. VII.

[III. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April,

By whom chosen, if he have a majority of votes.

See amend-  
ments, Arts. II.,  
X., XIV. and  
XV.

annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made, to the office of the secretary of the Commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives, on the last Wednesday in May, to be by them examined; and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published; but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for; but if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which, the senate shall proceed, by ballot, to elect one who shall be declared governor.]

How chosen,  
when no person  
has a majority.

Power of gov-  
ernor, and of  
governor and  
council.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this Commonwealth for the time being; and the governor, with the said councillors, or five of them, at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

May adjourn or  
prorogue the  
general court  
upon request,  
and convene the  
same.  
See amend-  
ments, Art. X.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same at any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

See amend-  
ments, Art. X.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor and council may adjourn the general court in cases, &c., but not exceeding ninety days.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering or annoying this Commonwealth; and that the governor be intrusted with all these and other powers incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Governor to be commander-in-chief.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the

Limitation.

defence of such part of the State to which they cannot otherwise conveniently have access.

Governor and council may pardon offences, except, &c.

But not before conviction.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter or pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

All judicial officers, &c., how nominated and appointed. See amendments, Arts. XIV., XVII. and XIX.

IX. All judicial officers, [the attorney-general, the solicitor-general, all sheriffs,] coroners [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Militia officers, how elected.

See amendments, Art. V.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

How commissioned.

Election of officers.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

Major-generals, how appointed and commissioned.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Vacancies, how filled, in case, &c.

And if the electors of brigadiers, field officers, captains or subalterns shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with the advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. See amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the Commonwealth for the time being.]

Adjutants, &c., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Adjutant-general.

The governor with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

Army officers,  
how appointed.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

Organization of  
militia.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon,) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

Money, how  
drawn from the  
treasury, ex-  
cept, &c.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

Public boards  
and certain offi-  
cers to make  
quarterly re-  
turns.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private

Salary of gov-  
ernor.

concerns—and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salaries of justices of supreme judicial court.

Salaries to be enlarged, if insufficient.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

## CHAPTER II.

### SECTION II.

#### *Lieutenant-Governor.*

Lieutenant-governor; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

President of council.

Lieutenant-governor to be acting governor, in case, &c.

Lieutenant-governor to be acting governor, in case, &c.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be—HIS HONOR; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incum-



bent upon the governor, and shall have and exercise all the powers and authorities; which, by this constitution, the governor is vested with, when personally present.

## CHAPTER II.

### SECTION III.

*Council, and the Manner of settling Elections by the Legislature.*

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Council.

See amendments, Art. XVI.

[II. Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

Number; from whom, and how chosen.

See amendments, Arts. X., XIII. and XVI.

Senators becoming councillors, seats vacated.

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

Rank of councillors.

[IV. Not more than two councillors shall be chosen out of any one district in this Commonwealth.]

No district to have more than two.

V. The resolutions and advice of the council shall be recorded in a register and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority,

Council to exercise the power of governor, in case, &c.

to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might, or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Elections may be adjourned until, &c.

Order thereof. Amendments, Arts. XVI. and XXV.

[VII. And whereas the elections appointed to be made by this constitution on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

## CHAPTER II.

### SECTION IV.

#### *Secretary, Treasurer, Commissary, &c.*

Secretary, &c.; by whom and how chosen. See amendments, Arts. IV. and XVII.

Treasurer ineligible for more than five successive years.

ART. I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room.] And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Secretary to keep records; to attend the governor and council, &c.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

## CHAPTER III.

### JUDICIARY POWER.

Tenure of all commission officers to be expressed.

ART. I. The tenure that all commission officers shall by law have in their offices shall be expressed in their

respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Judicial officers to hold office during good behavior, except, &c.

May be removed on address.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of supreme judicial court to give opinions when required.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

Justices of the peace; tenure of their office.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Provisions for holding probate courts.

[V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council until the legislature shall, by law, make other provision.]

Causes of marriage and divorce, how determined.

## CHAPTER IV.

### DELEGATES TO CONGRESS.

[The delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

## CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF  
LITERATURE, &C.

## SECTION 1.

*The University.*Harvard Col-  
lege.Powers, privi-  
leges, &c., of the  
president and  
fellows, con-  
firmed.Property de-  
vised.Gifts, grants,  
and conveyances  
confirmed.Board of Over-  
seers estab-  
lished by gener-  
al court of 1642.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America,—it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use exercise and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively; it is declared, that all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the

clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

Overseers established by constitution.

Power of alteration reserved to the legislature.

## CHAPTER V.

### SECTION II.

#### *The Encouragement of Literature, &c.*

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. See amendments, Art. XVIII.

## CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &C.

Declaration of executive and legislative officers.

See amendments, Art. VII.

ART. I. [Any person chosen governor, lieutenant-governor, councillor, senator or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

"I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

And the governor, lieutenant-governor and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards, before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

See amendments, Art. VI.

["I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain, (as the case may be,) and every other foreign power whatsoever; and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion or secret reservation whatsoever. So help me, God."]

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

[Provided, always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "I do swear," and "and abjure," "oath or," "and abjuration," in the first oath; and in the second oath, the words "swear and," and in each of them the words, "So help me, God;" subjoining instead thereof, "This I do under the pains and penalties of perjury."]

See amend-  
ments, Art. VI.

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Oaths and affir-  
mations, how  
administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government or power, whatever.

Plurality of offi-  
ces prohibited to  
governor, &c.,  
except, &c.

See amend-  
ments, Art.  
VIII.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate, sheriff, register of probate, or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—[solicitor-general]—treasurer or receiver-general—judge of probate—commissary-general—president, professor, or instructor

Incompatible  
offices.

See amend-  
ments, Art.  
VIII.

of Harvard College—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—[clerk of the inferior court of common pleas]—or officer of the customs, including in this description naval officers—shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

Same subject.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any councillor shall accept of either of those offices or places.

Bribery, &c., operates disqualification.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment.

Value of money ascertained. Property qualifications.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.

See amendments, Art. XIII.

Provisions respecting commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto.

Provisions respecting writs.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable who is not a party, and be signed by the clerk of such court.

Continuation of former laws, except, &c.

VI. All the laws, which have heretofore been adopted, used and approved, in the Province, Colony or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.



VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

Benefit of habeas corpus secured, except, &c.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same."

The enacting style.

[IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority.

Officers of former government continued until, &c.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for revising constitution. Amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid.

Same subject.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

Provision for preserving and publishing this constitution.

## ARTICLES OF AMENDMENT.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the meantime.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court empowered to charter cities.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. 11 Pick. 538. See amendments, Arts. XX., XXIII. and XXVI.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators or representatives, and who shall have paid, by himself, or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives; and no other person shall be entitled to vote in such elections.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Notaries public, how appointed and removed.

[In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Vacancies in the offices of secretary and treasurer, how filled in case, &c. See amendments, Art. XVII.

Whenever the exigencies of the Commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Commissary-general may be appointed, in case, &c.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Militia officers, how removed.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Who may vote for captains and subalterns.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:—

Oath to be taken by all officers.

"I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God."

*Provided*, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word "swear," and inserting, instead thereof, the word "affirm," and omitting the words, "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Proviso: Quaker may affirm.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

Tests abolished.

Incompatibility  
of offices.

ART. VIII. No judge of any court of this Commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor or councillor, or have a seat in the senate or house of representatives of this Commonwealth; and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, [solicitor-general, county-attorney,] clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; [and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.]

Amendments to  
constitution,  
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth.

Commencement  
of political year,

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and

done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead. and termination.

[The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.] Meetings for the choice of governor, lieutenant-governor, &c., when to be held. May be adjourned. See amendments, Art. XV.

All the [other] provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision. Article, when to go into operation.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled. Inconsistent provisions annulled.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted :— Religious freedom established.

"As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law."

Census of ratable polls to be taken in 1837, and decennially thereafter.

Representatives, how apportioned. See amendments, Arts. XIII. and XXI.

Towns having less than 300 ratable polls, how represented.

Fractions, how represented.

Town may unite into representative districts.

[ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid: and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten, and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative

district, to continue until the next decennial census of polls, for the election of a representative or representatives; and such districts shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth shall be settled.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such districts shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

Inconsistent provisions annulled.

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. See amendments, Art. XXII. Senatorial districts declared permanent. See amendments, Art. XXII.

House of representatives, how apportioned. See amendments, Art. XXI.

Small towns, how represented.

Towns may unite into representative districts.

Basis of representation, and

ratio of increase.

town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

The governor and council to apportion the number of representatives of each town once in every ten years.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

Councillors to be chosen from the people at large. See amendments, Art. XVI.

Qualifications of councillors.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the Commonwealth.]

Freehold as a qualification not required.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Elections by the people to be by plurality of votes.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Time of annual election of governor and legislature.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Eight councillors to be chosen by the people.

Legislature to district State.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafter, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of



inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Eligibility defined.

Day and manner of election, &c.

Vacancies, how filled.

Organization of the government.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election,

Election of secretary, treasurer, auditor and attorney-general by the people.

Vacancies, how filled.

shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

School moneys not to be applied for sectarian schools.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

Legislature to prescribe for the election of sheriffs, registers of probate, &c., by the people.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

Reading constitution in English and writing, necessary qualifications of voters.  
Proviso.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

Census of legal voters and of inhabitants, when taken, &c.

See General Stat. chapter 20.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk,—or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by

House to consist of 240 members; representatives to be apportioned upon basis of legal voters.

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August.

the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Proceedings.

Qualifications of representatives.

Districts to be numbered, described and certified.

One hundred members a quorum.

Census of voters and inhabitants to be taken.

Voters to be basis of apportionment of senators.

Senate to consist of 40 members.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general

court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Senatorial districts, &c.

Proviso.

Qualifications of senators.

Sixteen members a quorum.

[ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: provided, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, provided, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Residence of two years required of naturalized citizen, to entitle to suffrage or make eligible to office. See amendment, Art. XXVI.

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of senators elected.

Vacancies in the senate.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Vacancies in the council.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this Commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have resided within the jurisdiction of the United States for

Twenty-third article of amendments annulled.

two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth : *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof ; and *provided*, *further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

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#### THE FRAMING AND POPULAR ADOPTION OF THE CONSTITUTION.

The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the Constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next ; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

#### ARTICLES OF AMENDMENT.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them approved and ratified April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people, May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, and was approved by the people, November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, and was approved by the people, the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, and was approved by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, and ratified by the people, the twenty-third day of May, 1855.

The twentieth, twenty-first and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, and ratified by the people on the ninth day of May, 1859.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.





# INDEX.

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## A.

	Page
Adjutant-General, how appointed, . . . . .	20
Adjutants of Regiments, how appointed, . . . . .	20
Affirmations. See Oaths and Affirmations.	
Agriculture, Arts, Commerce, &c., encouragement of, . . . . .	27
Amendments to the Constitution, how made, . . . . .	34
Apportionment of Councillors, . . . . .	38, 39
“ of Representatives, . . . . .	15, 36, 37, 38, 41
“ of Senators, . . . . .	12, 37, 42
Armies, Standing, to be maintained only with consent of Legislature, . . . . .	7
Arms, Right of People to keep and bear, . . . . .	7
Articles of Amendment, . . . . .	32
Attorney-General, how appointed, . . . . .	20
“ how elected, . . . . .	39, 40
“ Qualifications of, . . . . .	40
“ Vacancy in Office of, how filled, . . . . .	40
Attorneys, District, how chosen, . . . . .	40
Auditor, how chosen, . . . . .	39
“ Qualifications of, . . . . .	40
“ Vacancy in Office of, how filled, . . . . .	40

## B.

Bail and Sureties, Excessive, not to be demanded, . . . . .	8
Bills and Resolves, to be laid before the Governor for revisal, . . . . .	10
“ “ to have the force of law, unless returned within five days, . . . . .	10
“ “ to be void when not returned, if Legislature adjourns within five days, . . . . .	32
“ “ when vetoed, may be passed by two-thirds of each House, . . . . .	10
Bills, Money, to originate in the House of Representatives, . . . . .	16
Body Politic, how formed, and nature of, . . . . .	3
Bribery or Corruption in obtaining an Election, to disqualify for Office, . . . . .	30

## C.

	Page
Census of Inhabitants, when and how taken, . . . . .	37, 41
“ of Legal Voters, when and how taken, . . . . .	36, 41
“ of Ratable Polls, when and how taken, . . . . .	36
Cities, General Court empowered to charter, . . . . .	32
Civil and Military Officers, duties of, to be prescribed by Legislature,	11
Commander-in-Chief. See Governor.	
Commerce, Manufactures, Arts, &c., encouragement of, . . . .	27
Commissary-General, when and how nominated, &c., . . . . .	33
“ “ to make Quarterly Returns, . . . . .	21
Commissioners of Insolvency, how chosen, . . . . .	40
Commission Officers, Tenure of, to be expressed in Commission, .	25
Commissions, how made, signed, countersigned, and sealed, . .	30
Congress, Delegates to, how chosen and commissioned, . . . .	25
“ “ may be recalled, and others commissioned, . . . . .	25
“ what Offices may not be held by members of, . . . . .	34
Constitution, Amendments to, how made, . . . . .	34
“ Revision of in 1795, provided for, . . . . .	31
“ to be enrolled, deposited in Secretary's office, and printed with the laws, . . . . .	31
Coroners, how appointed, . . . . .	20
Corruption. See Bribery.	
Council, and the manner of settling Elections by the Legislature, .	23
“ may exercise powers of Executive, when, &c., . . . . .	23
“ Members of, number, and how chosen, . . . . .	23, 38
“ Members of, to be sworn in presence of both Houses, . . . .	28
“ Powers and Quorum of, . . . . .	23
“ Rank and Qualifications of Members of, . . . . .	23, 38
“ Register of, subject to the call of either House, . . . . .	23
“ Resolutions and Advice of, to be recorded, . . . . .	23
“ Vacancies in, how filled, . . . . .	39, 43
Court, Superior, Judges of, prohibited from holding other Offices, .	34
“ Supreme Judicial, Judges of, Tenure of Office, and Salary, .	9, 22
Courts and Judicatories, may administer Oaths and Affirmations, .	10
“ Clerks of, how chosen, . . . . .	40
“ of Probate. See Probate.	
“ of Record and Judicatories, the General Court may establish,	10
Crimes and Offences, Prosecutions for, regulated, . . . . .	6, 7

## D.

Debate, Freedom of, in Legislature, affirmed, . . . . .	8
Declaration of Rights, . . . . .	4
Delegates to Congress, how chosen, . . . . .	25
“ “ may be recalled, and others commissioned, . . . . .	25
District-Attorneys, how chosen, . . . . .	40
Districts, Conncillor, how established and arranged, . . . . .	12, 38, 39
Districts, Representative, how formed, . . . . .	41
“ “ Towns may unite in, . . . . .	36, 37

	Page
Districts, Senatorial, how established and arranged, . . . .	12, 37, 42, 43
Divorce and Alimony, causes of, how determined, . . . .	25
Duties of Civil and Military Officers, to be prescribed by Legislature,	11

E.

Elections, by Legislature, Order and adjournment of, . . . .	24
“ by the People, Plurality of votes to prevail in, . . . .	38
“ Freedom of, affirmed, . . . . .	6
Election Returns, by whom examined, &c., . . . . .	13, 39
Enacting Style, established, . . . . .	30
Encouragement of Literature, . . . . .	27
Enrolment. See Constitution.	
Equality and Natural Rights recognized, . . . . .	4
Estates, Valuation of, when taken, . . . . .	11
Executive Power, . . . . .	17
“ not to exercise Legislative or Judicial Powers, . . . .	9
<i>Ex Post Facto</i> Laws, injustice of, declared, . . . . .	8

F.

Felony and Treason, conviction of, by Legislature, forbidden, . .	8
Fines, Excessive, prohibited, . . . . .	8
Freedom of Debate, in Legislature, affirmed, . . . . .	8

G.

General Court, frequent sessions of, enjoined, . . . . .	8
“ “ how formed, . . . . .	9
“ “ may make Laws, Ordinances, &c., . . . . .	11
“ “ may provide for the establishing of Civil Officers, . . . .	10, 11
“ “ may prescribe the duties of Civil and Military Officers,	11
“ “ may impose Taxes, Duties and Excises, . . . . .	11
“ “ may constitute Judicatories and Courts of Record, . .	10
“ “ may charter Cities, . . . . .	32
“ “ may be prorogued by Governor and Council, . . . . .	18
“ “ when to assemble, and when to be dissolved, . . . . .	9, 18, 35
Government, Frame of, . . . . .	9
“ Executive, Legislative and Judicial Departments of,	
“ limits defined, . . . . .	9
“ Objects of, . . . . .	3
“ Right of People to institute, alter, &c., . . . . .	3, 5
Governor, qualifications of, . . . . .	17, 28, 35
“ Salary of, . . . . .	21
“ when and how chosen, . . . . .	17, 31, 35, 38
“ Official Title of, . . . . .	17
“ to be sworn in presence of both Houses, . . . . .	28
“ the holding of other Offices by, prohibited, . . . . .	28, 34
“ to be Commander-in-Chief of Military Forces of State, . .	19

	Page
Governor may call Councillors together at his discretion, . . .	18
“ and Council, may pardon offences, after Conviction, . . .	20
“ shall sign such Bills and Resolves as he approves, . . .	9
“ shall return such Bills and Resolves as he does not approve, . . .	9, 10
“ and Council may prorogue the Legislature, . . .	18
“ “ shall examine Election Returns, . . .	13, 39

## H.

<i>Habeas Corpus</i> , benefit of, secured, . . . . .	31
“ “ not to be suspended more than twelve months, . . .	31
Harvard College, Powers, Privileges, Grants, &c., confirmed to, . .	26
“ “ who shall be overseer of, . . . . .	27
“ “ Government of, may be altered by Legislature, . . .	27
House of Representatives, . . . . .	15
“ “ Members of, how apportioned and chosen, . . .	15, 16
	35, 36, 37, 41, 42
“ “ qualifications of Members of, . . . . .	15, 38, 41, 42
“ “ qualifications of Voters for Members of, . . . . .	15, 32, 40
“ “ to judge of the qualifications, &c., of its own Members, . . . . .	16
“ “ to choose its own officers, establish its own Rules, &c., . . . . .	16
“ “ may punish Persons not Members, for dis- respect, &c., . . . . .	16
“ “ may try and determine all cases involving its Rights and Privileges, . . . . .	16
“ “ shall be the Grand Inquest to Impeach, . . . . .	16
“ “ all Money Bills to originate in, . . . . .	16
“ “ not to adjourn for more than two days, . . . . .	16
“ “ Quorum of, . . . . .	16, 42
“ “ Members of, exempt from arrest on Mean Process, . . . . .	16
“ “ Towns may be fined for neglecting to re- turn Members to, . . . . .	15
“ “ Travelling Expenses of Members of, how paid, . . . . .	16
“ “ Oaths or Affirmations of Members of, how taken and subscribed to, . . . . .	29, 33

## I.

Impeachment, Limitation of Sentence for, . . . . .	15
Impeachments, how made and tried, . . . . .	15, 16
Incompatible Offices, enumeration of, . . . . .	29, 34
“Inhabitant,” word defined, . . . . .	12
Inhabitants, Census of, when taken, . . . . .	36, 41
Insolvency, Commissioners of, how chosen, . . . . .	40

# INDEX.

51

Page

Instruction of Representatives and Petition to Legislature, Rights of, affirmed, . . . . .	7
--	---

## J.

Judicatories and Courts of Record, Legislature may establish, . . .	10
“ “ “ may administer Oaths and Affirmations, . . . . .	10
Judicial Department, not to exercise Legislative or Executive Powers, . . .	9
“ Officers, how appointed, . . . . .	20
“ “ to hold Office during good behavior, except, &c., . . .	25
“ “ may be removed on Address of Legislature, . . .	25
Judiciary Power, . . . . .	24
Judges of Courts, what other Offices may not be held by, . . .	34
Judges of Probate, shall hold Courts on fixed days, &c., . . .	25
“ “ Appeals from, how heard and determined, . . .	25
“ “ what other Offices may not be held by, . . .	33
Jury, Right of Trial by, secured, . . . . .	7
Justices of the Peace, Tenure of Office of, . . . . .	25
“ “ Commissions of, may be renewed, . . . . .	25
“ Supreme Judicial Court, Tenure of Office, and Salaries of, . . .	8, 22, 25
“ “ “ “ what other Offices may not be held, . . .	29, 34
“ “ “ “ Opinions of, may be required by Executive or either branch of Legislature, . . . . .	25

## L.

Law-Martial, Persons not in Army or Navy, or Actual Militia Service, not to be subject to, but by authority of Legislature, . . . . .	8
Laws, every Person to have remedy in, for injury to Person or Property, . . . . .	6
“ <i>Ex Post Facto</i> , unjust and inconsistent with Free Government, . . .	8
“ not repugnant to Constitution, Legislature may make, . . .	11
“ of Province, Colony or State of Massachusetts Bay, not repugnant to Constitution, continued in force, . . . . .	30
“ power of suspending, only in Legislature, . . . . .	8
Legal Voters, Census of, to be taken for representative apportionment, . . . . .	36, 37, 41, 42
Legislative Department, not to exercise Executive or Judicial Powers, . . .	9
“ Power, . . . . .	9
Legislature. See General Court.	
Lieutenant-Governor, . . . . .	22
“ “ when and how chosen, . . . . .	22, 32, 34, 33
“ “ official title of, . . . . .	22
“ “ qualifications of, . . . . .	22
“ “ powers and duties of, . . . . .	23
“ “ to be sworn in presence of both Houses, . . . . .	29
Literature, Encouragement of, . . . . .	27

## M.

	Page
Magistrates and officers, accountability of, . . . . .	5
Major-Generals, how appointed and commissioned, . . . . .	20
Marital Law, persons not in the Army, Navy, or actual Militia service, not to be subject to, . . . . .	8
Meetings, Plantation, provisions respecting, . . . . .	13
“ Town, Selectmen to preside at, . . . . .	12
Military Power, to be subordinate to Civil, . . . . .	7
Militia Offices, vacancies in, how filled, . . . . .	20
“ Officers, how elected and commissioned, . . . . .	20, 33
“ “ how removed, . . . . .	20, 33
Militia, organization of, into Brigades, Regiments and Companies, confirmed, . . . . .	20
Money Bills, to originate in House of Representatives, . . . . .	16
Money, how drawn from the Treasury, . . . . .	21
“ value of, how computed, . . . . .	30
Moneys raised for Support of Common Schools, not to be applied by Religious sects, . . . . .	40
Moral Principles, necessity of observance in a Free Government, . . . . .	7

## N.

Notaries Public, how chosen, . . . . .	24
“ “ how appointed, Tenure of Office, &c., . . . . .	33

## O.

Oaths and Affirmations, Courts of Judicatories may administer, . . . . .	10
“ “ Official, Forms of, . . . . .	28, 33
“ “ how and by whom taken and subscribed, . . . . .	28, 29, 33
Oaths, Affirmations substituted, in behalf of Quakers, . . . . .	29, 33
Offences. See Crimes and Offences.	
Office, Right of People to secure Rotation in, . . . . .	5, 6
“ Equal Right of all to, affirmed, . . . . .	6
“ no person eligible to, who cannot read and write, . . . . .	40
Offices, certain, incompatibility of, . . . . .	29, 34
Officers, Civil, Legislature may provide for the naming and settling of, . . . . .	10
“ Civil and Military, duties of to be prescribed by Legislature, . . . . .	11
“ “ “ holding under Government of Massachu- setts Bay, continued in office, . . . . .	30
Officers and Magistrates, accountability of, . . . . .	5
Officers, Militia, how elected and commissioned, . . . . .	20, 33
“ “ how removed, . . . . .	20, 33
Offices, Militia, vacancies in, how filled, . . . . .	20
“ Incompatible, . . . . .	29, 34
“ Plurality of, prohibited to Governor, Lieutenant-Governor, and Judges, . . . . .	29, 34

## P.

	Page
Pardon, Power of, vested in Governor and Council, . . . . .	20
People, Right of, to keep and bear Arms, . . . . .	7
Person and Property, Remedy for Injuries to, should be in the laws, . . . . .	6
Petition and Instruction, Right of, affirmed, . . . . .	7
Plantations, Unincorporated, Tax-paying Inhabitants of, may vote for	
Councillors and Senators, . . . . .	13
Plurality of Votes, election of Civil Officers by, . . . . .	38
Political Year, when to begin and end, . . . . .	34, 35
Polls, Ratable, Census of, when taken, . . . . .	36
Power, Executive, . . . . .	17, 18
"    Judiciary, . . . . .	24
"    Legislative, . . . . .	9
Press, Liberty of, essential to Freedom, . . . . .	7
Probate, Judges of, shall hold Courts on fixed days, &c., . . . . .	25
"    "    Appeals from, how heard and determined, . . . . .	25
"    "    what other Offices may not be held by, . . . . .	34
"    Registers of, how appointed, . . . . .	20
"    "    Election of, to be prescribed, . . . . .	40
Property, Private, not to be taken for Public Uses without Compens- ation, . . . . .	6
Property Qualification for Office, may be increased by Legislature, . . . . .	30
"    "    "    partially abolished, . . . . .	38
Prosecutions, for Crimes and Offences, proceedings in regulated, . . . . .	6
Public Boards and Officers, Returns of, how, when and to whom made, . . . . .	21
"    Officers, Right of People with reference to, . . . . .	5
"    Services, the only Title to particular and exclusive Privileges, . . . . .	5
"    Worship, the Right and Duty of, . . . . .	4
"    "    Legislature may require provision for, . . . . .	4
Punishments, Cruel and Unusual, prohibited, . . . . .	8

## Q.

Quakers, Affirmation of, as Public Officers, . . . . .	29, 33
Qualifications of Governor, . . . . .	17, 40
"    of Lieutenant-Governor, . . . . .	22, 40
"    of Councillors, . . . . .	38, 39, 40
"    of Senators, . . . . .	14, 37, 39, 42, 43
"    of Representatives, . . . . .	15, 39, 42
"    of Secretary, Treasurer, Auditor and Attorney-General, . . . . .	40
"    of Voters, . . . . .	12, 15, 32, 41, 43
"    Moral, of Officers and Magistrates, . . . . .	7
Qualification, Property, may be increased, . . . . .	30
"    "    partial abolition of, . . . . .	33
Quorum of Council, . . . . .	18, 24
"    of House, . . . . .	16, 42
"    of Senate, . . . . .	14, 43

## R.

	Page
Ratable Polls, Census of, when taken, . . . . .	36
“ “ Towns having less than 300, how represented, . . .	36
“ “ Towns having less than 150, how represented, . . .	15
Reading and Writing, necessary to enable Persons to Vote or hold Office, . . . . .	41
Register of Council, to be kept, subject to the call of either House, . . .	23
Registers of Probate. See Probate.	
Religious Denominations, equal protection secured to all, . . . . .	5, 35
“ Societies, Right of, to elect their own Pastors, &c., . . . . .	5, 36
“ “ persons belonging to, Membership defined, . . . . .	36
Representation, in Council, basis of, . . . . .	38
“ in House, . . . . .	15, 36, 37, 38, 41
“ in Senate, . . . . .	11, 37, 42
Representatives. See House of Representatives.	
Returns, Quarterly, how and by whom to be made, . . . . .	21
Returns of Votes, by whom made, examined, &c., . . . . .	12, 13, 18
Revision of Constitution. See Constitution.	
Rights, Natural, Declaration of, &c., . . . . .	4

## S.

Salaries, of Judges of Supreme Court, . . . . .	8, 22
Salary, of Governor, . . . . .	22
Schools, Money raised and appropriated for, how to be applied, . . .	39
“ Sectarian, appropriation of Money for, prohibited, . . . . .	39
Search and Seizure, the Right of every Man to be secure from, . . . . .	7
Secretary, Treasurer, Commissary, &c., . . . . .	24
Secretary of the Commonwealth, how chosen, . . . . .	24, 39
“ “ “ qualifications of, . . . . .	40
“ “ “ Duties of, . . . . .	24, 40
“ “ “ may appoint Deputies, &c., . . . . .	24
“ “ “ vacancy in Office of, how filled, . . . . .	33, 40
Selectmen, Duties of, in calling and conducting Elections, . . . . .	12
Self-government, Right of, asserted, . . . . .	5
Senate, . . . . .	11
“ Members of, number, and how chosen, . . . . .	11, 12, 32, 37, 41
“ “ qualifications of, . . . . .	14, 38, 43
Senate, Members shall be sworn preliminary to trial of Impeachment, . . .	14
“ “ exempt from arrest on Mean Process, . . . . .	16
“ Quorum of, . . . . .	14, 43
“ vacancies in, how filled, . . . . .	14, 43
“ to be final judge of elections of its own Members, . . . . .	13
“ not to adjourn more than two days, . . . . .	14
“ shall choose its own officers, and establish its own Rules, . . . . .	14
“ shall try Impeachments, . . . . .	14
“ may punish persons not Members, for disrespect, &c., . . . . .	16
“ may determine all cases involving its Rights and Privileges, . . . . .	16



# INDEX.

55

	Page
Senators, apportionment of, . . . . .	11, 37, 43
“ Oaths and Affirmations, how taken and subscribed by, . .	23
Senatorial Districts. See Districts.	
Services, Public, the only title to particular privileges, . . .	5
Sheriffs, how appointed, . . . . .	19
“ how elected, . . . . .	39
Soldier, not to be quartered in any house without consent of owner,	8
Solicitor-General, how appointed, . . . . .	20
Standing Armies, without consent of Legislature, prohibited, . .	7
Supreme Being, the Public Worship of, a Right and Duty, &c., .	4
“ Judicial Court, Tenure of Office and Salaries of Judges of,	8, 22
Sureties and Bail, excessive, not to be demanded, . . . . .	8
Suspension of Laws, power of, only in Legislature, . . . . .	8

## T.

Taxation, should be founded on consent, . . . . .	6, 8
Taxes, Excises, &c., Legislature may impose, . . . . .	11
Tax, State or County, payment of, as qualification of Voter, . .	13, 32
Tests, Religious, abolished, . . . . .	33
Title, of Governor, . . . . .	17
“ of Lieutenant-Governor, . . . . .	22
Town Meetings, Selectmen to preside at, . . . . .	12
Towns, having less than 300 Ratable Polls, how represented, . .	36
“ having less than 150 Ratable Polls, how represented, . .	15
“ may unite in Representative District, . . . . .	36, 37
Travel, Expenses of, to and from the General Court, how paid, .	15
Treason and Felony, Legislature not to convict of, . . . . .	48
Treasurer and Receiver-General, how chosen, . . . . .	24, 39
“ “ qualification of, . . . . .	40
“ “ eligibility limited to five years, . . . . .	24
“ “ vacancy in Office of, how filled, . . . . .	33, 40
Trial, by Jury, Right of, secured, . . . . .	6, 7

## U.

University at Cambridge, &c., . . . . .	26
---	----

## V.

Vacancies in Council, how filled, . . . . .	39, 43
“ in Militia Offices, how filled, . . . . .	20
“ in Offices of Secretary, Treasurer, Auditor and Attorney- General, how filled, . . . . .	33, 40
“ in Senate, how filled, . . . . .	14
Valuation of Estates, when taken, . . . . .	11
Veto of Bills and Resolves, Power of, conferred upon Governor, .	9
Vote, no person entitled to, who cannot read and write, . . . .	41

	Page
Voters, Legal, Census of, when taken, . . . . .	41, 42
“ qualifications of, . . . . .	12, 15, 32, 41, 43
Votes, all Civil Officers to be elected by a plurality of, . . . . .	38
“ Returns of, by whom made, examined, &c., . . . . .	12, 13, 17, 39

## W.

Worship, Public, the Right and Duty of all Men, . . . . .	4
Writs, how made, issued, &c., . . . . .	30

## Y.

Year, Political, when to begin and end, . . . . .	34
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General Statutes and Special Acts

OF

MASSACHUSETTS.

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1873.

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☞ The General Court of 1873 assembled on Wednesday, the first day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect, were taken and subscribed by His Excellency WILLIAM B. WASHBURN and His Honor THOMAS TALBOT, on Thursday, the second day of January, in the presence<sup>a</sup> of the two Houses assembled in convention.

# ACTS,

## GENERAL AND SPECIAL.

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### AN ACT TO CHANGE THE NAME OF THE HINKLEY AND WILLIAMS *Chap. 1.* WORKS.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. The corporate name of the Hinkley and Williams Works, a corporation having its usual place of business at Boston, is changed to "The Hinkley Locomotive Works." Name changed to The Hinkley Locomotive Works.

SECTION 2. This act shall take effect upon its passage.

*Approved January 28, 1873.*

### AN ACT TO AMEND THE TWENTY-SIXTH CHAPTER OF THE GENERAL *Chap. 2.* STATUTES, RELATING TO THE PRESERVATION OF THE PUBLIC HEALTH.

*Be it enacted, &c., as follows:*

SECTION. 1. Section fourteen of chapter twenty-six of the General Statutes is hereby amended to read as follows: When the board thinks it necessary for the preservation of the lives or health of the inhabitants, to enter any land, building, premises or vessel within its town, for the purpose of examining into and destroying, removing or preventing any nuisance, source of filth or cause of sickness, and said board or any agent thereof sent for that purpose shall be refused such entry, any member of the board or such agent may make complaint under oath to any justice of any court of record or to two justices of the peace of the county, stating the facts of the case so far as he has knowledge thereof, and said justice or justices may thereupon issue a warrant, directed to the sheriff or any of his deputies, to such agent of the board, or to any constable of such town, commanding him

Amendment to G. S. 26, § 14.

Board may enter premises to examine into cause of sickness, &c.

Warrant may be issued.

Nuisance may be abated.

to take sufficient aid, and at any reasonable time repair to the place where such nuisance, source of filth or cause of sickness complained of may be, and the same to destroy, remove or prevent, under the directions of said board.

Amendment to G. S. 26, § 45.

SECTION 2. Section forty-five of said chapter is hereby amended by adding thereto the following: And whoever obstructs the selectmen, board of health or their agent, in using such means to prevent the spreading of the infection, or wilfully removes, obliterates, defaces or handles the red flags or other signals so displayed, shall forfeit for each offence a sum not less than ten or more than one hundred dollars.

Penalty.

SECTION 3. This act shall take effect upon its passage.

*Approved January 28, 1873.*

**Chap. 3.** AN ACT TO EXTEND THE TIME FOR THE CONSTRUCTION OF THE MARBLEHEAD AND LYNN RAILROAD.

*Be it enacted, &c., as follows:*

Time for construction extended.

SECTION 1. The time for completing the construction of the Marblehead and Lynn Railroad is extended to the fifth day of May, eighteen hundred seventy-four.

SECTION 2. This act shall take effect upon its passage.

*Approved January 28, 1873.*

**Chap. 4.** AN ACT TO AUTHORIZE THE ERECTION OF WOODEN BUILDINGS IN THE CITY OF BOSTON FOR SANITARY PURPOSES.

*Be it enacted, &c., as follows:*

Boston may erect wooden buildings for hospital purposes.

SECTION 1. The city of Boston is hereby authorized to erect, under directions of its board of health and inspector of buildings, any wooden buildings within the city, for hospital purposes, the same to remain only so long as said board deems it necessary: *provided*, that every such hospital shall be constantly guarded outside by a competent force of at least three of the police of said city.

Proviso.

SECTION. 2. This act shall take effect upon its passage.

*Approved January 28, 1873.*

**Chap. 5.** AN ACT TO AUTHORIZE THE LOWELL BLEACHERY TO CONTRACT FOR MUTUAL INSURANCE WITH OTHER CORPORATIONS.

*Be it enacted, &c., as follows:*

Lowell Bleachery may contract for mutual insurance with other corporations.

SECTION 1. The Lowell Bleachery may contract for mutual insurance with the associated corporations mentioned in chapter sixty-five of the acts of the year eighteen hundred and fifty, and chapter two hundred and fifty-six

of the acts of the year eighteen hundred and seventy-one, according to the provisions of the said first mentioned chapter.

1850, 65.  
1871, 256.

SECTION 2. This act shall take effect upon its passage.

*Approved January 28, 1873.*

AN ACT TO AUTHORIZE A SPECIAL MEETING OF THE NEW ENGLAND MORAL REFORM SOCIETY.

*Chap. 6.*

*Be it enacted, &c., as follows:*

SECTION 1. A special meeting of the New England Moral Reform Society may be called by M. A. R. Clough, the recording secretary of said society, by publishing a notice of the time and place of holding said meeting three times in each of three daily newspapers printed in the city of Boston, the first publication to be at least five days before the day of holding said meeting: and at said meeting the said society may act upon any matters specified in said notice.

Special meeting  
may be held.

SECTION 2. This act shall take effect upon its passage.

*Approved January 30, 1873.*

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR.

*Chap. 7.*

*Be it enacted, &c., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-three, to wit:—

Appropriations.

SUPREME JUDICIAL COURT.

For the salary of the clerk of the supreme judicial court for the Commonwealth, three thousand dollars.

Clerk.

For the salary of the assistant-clerk of said court, one thousand five hundred dollars.

Assistant-clerk.

For the salary of the reporter of decisions of the supreme judicial court, three hundred dollars.

Reporter.

For the expenses of said court, a sum not exceeding two thousand five hundred dollars.

Expenses.

SUPERIOR COURT.

For the salary of the chief justice of the superior court, five thousand three hundred dollars.

Chief justice.

Associate justices.

For the salaries of the nine associate justices of said court, forty-five thousand dollars.

#### COURTS OF PROBATE AND INSOLVENCY.

Judge for Suffolk.	For the salary of the judge of probate and insolvency for the county of Suffolk, four thousand dollars.
Middlesex.	For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand five hundred dollars.
Worcester.	For the salary of the judge of probate and insolvency for the county of Worcester, two thousand five hundred dollars.
Essex.	For the salary of the judge of probate and insolvency for the county of Essex, two thousand five hundred dollars.
Norfolk.	For the salary of the judge of probate and insolvency for the county of Norfolk, two thousand dollars.
Bristol.	For the salary of the judge of probate and insolvency for the county of Bristol, one thousand five hundred dollars.
Plymouth.	For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand three hundred dollars.
Berkshire.	For the salary of the judge of probate and insolvency for the county of Berkshire, one thousand two hundred dollars.
Hampden.	For the salary of the judge of probate and insolvency for the county of Hampden, one thousand three hundred dollars.
Hampshire.	For the salary of the judge of probate and insolvency for the county of Hampshire, nine hundred dollars.
Franklin.	For the salary of the judge of probate and insolvency for the county of Franklin, nine hundred dollars.
Barnstable.	For the salary of the judge of probate and insolvency for the county of Barnstable, nine hundred dollars.
Nantucket.	For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars.
Dukes County.	For the salary of the judge of probate and insolvency for the county of Dukes county, five hundred dollars.
Register for Suffolk.	For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars.
Middlesex.	For the salary of the register of probate and insolvency for the county of Middlesex, two thousand dollars.



For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars. Worcester.

For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars. Essex.

For the salary of the register of probate and insolvency for the county of Norfolk, one thousand five hundred dollars. Norfolk.

For the salary of the register of probate and insolvency for the county of Bristol, one thousand three hundred dollars. Bristol.

For the salary of the register of probate and insolvency for the county of Plymouth, one thousand two hundred dollars. Plymouth.

For the salary of the register of probate and insolvency for the county of Hampden, one thousand two hundred dollars. Hampden.

For the salary of the register of probate and insolvency for the county of Berkshire, one thousand two hundred dollars. Berkshire.

For the salary of the register of probate and insolvency for the county of Hampshire, nine hundred dollars. Hampshire.

For the salary of the register of probate and insolvency for the county of Franklin, nine hundred dollars. Franklin.

For the salary of the register of probate and insolvency for the county of Barnstable, nine hundred dollars. Barnstable.

For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars. Nantucket.

For the salary of the register of probate and insolvency for the county of Dukes county, six hundred dollars. Dukes County.

For the salary of the assistant-register of probate and insolvency for the county of Suffolk, one thousand five hundred dollars. Assistant register for Suffolk.

For the salary of the assistant-register of probate and insolvency for the county of Middlesex, one thousand five hundred dollars. Middlesex.

For the salary of the assistant-register of probate and insolvency for the county of Worcester, one thousand five hundred dollars. Worcester.

For the salary of the assistant-register of probate and insolvency for the county of Essex, one thousand five hundred dollars. Essex.

For the salary of the assistant-register of probate and insolvency for the county of Norfolk, one thousand one hundred dollars. Norfolk.

Expenses of  
courts.

For certain expenses of courts of insolvency authorized by the General Statutes, a sum not exceeding five hundred dollars.

#### DISTRICT-ATTORNEYS.

Attorney and  
clerk for Suffolk.

For the salary of the attorney for the Suffolk district, five thousand dollars; and for the salary of his clerk, one thousand dollars.

Assistant-attorney  
for Suffolk.

For the salary of the assistant-attorney for the Suffolk district, two thousand five hundred dollars.

Attorney for  
Eastern district.

For the salary of the attorney for the eastern district, two thousand dollars.

Northern district.

For the salary of the attorney for the northern district, two thousand dollars.

Southern district.

For the salary of the attorney for the southern district, two thousand dollars.

Middle district.

For the salary of the attorney for the middle district, two thousand dollars.

South-eastern  
district.

For the salary of the attorney for the south-eastern district, two thousand dollars.

Western district.

For the salary of the attorney for the western district, two thousand dollars.

North-western  
district.

For the salary of the attorney for the north-western district, one thousand five hundred dollars.

#### POLICE COURTS.

Justice—  
Cambridge.

For the salary of the justice of the police court in Cambridge, one thousand eight hundred dollars.

Charlestown.

For the salary of the justice of the police court in Charlestown, one thousand six hundred dollars.

Chelsea.

For the salary of the justice of the police court in Chelsea, one thousand six hundred dollars.

Chicopee.

For the salary of the justice of the police court in Chicopee, one thousand six hundred dollars.

Fall River.

For the salary of the justice of the police court in Fall River, one thousand eight hundred dollars.

Fitchburg.

For the salary of the justice of the police court in Fitchburg, one thousand three hundred dollars.

Gloucester.

For the salary of the justice of the police court in Gloucester, one thousand six hundred dollars.

Haverhill.

For the salary of the justice of the police court in Haverhill, one thousand two hundred dollars.

Holyoke.

For the salary of the justice of the police court in Holyoke, one thousand six hundred dollars.

For the salary of the justice of the police court in Law- Lawrence.  
rence, one thousand eight hundred dollars.

For the salary of the justice of the police court in Lee, Lee.  
five hundred dollars.

For the salary of the justice of the police court in Lynn, Lynn.  
one thousand eight hundred dollars.

For the salary of the justice of the police court in Lowell, Lowell.  
two thousand two hundred dollars.

For the salary of the justice of the police court in New New Bedford.  
Bedford, one thousand five hundred dollars.

For the salary of the justice of the police court in New- Newburyport.  
buryport, one thousand dollars.

For the salary of the justice of the police court in Som- Somerville.  
erville, one thousand two hundred dollars.

For the salary of the justice of the police court in Salem.  
Salem, one thousand eight hundred dollars.

For the salary of the justice of the police court in Springfield.  
Springfield, two thousand dollars.

For the salary of the justice of the police court in Williamstown.  
Williamstown, three hundred dollars.

For the salary of the clerk of the police court in Cam- Clerk—  
bridge, one thousand dollars. Cambridge.

For the salary of the clerk of the police court in Charles- Charlestown.  
town, one thousand dollars.

For the salary of the clerk of the police court in Fall Fall River.  
River, one thousand dollars.

For the salary of the clerk of the police court in Fitch- Fitchburg.  
burg, five hundred dollars.

For the salary of the clerk of the police court in Haver- Haverhill.  
hill, eight hundred dollars.

For the salary of the clerk of the police court in Law- Lawrence.  
rence, one thousand dollars.

For the salary of the clerk of the police court in Lynn, Lynn.  
one thousand dollars.

For the salary of the clerk of the police court in Lowell, Lowell.  
one thousand two hundred dollars.

For the salary of the clerk of the police court in New New Bedford.  
Bedford, eight hundred dollars.

For the salary of the clerk of the police court in New- Newburyport.  
buryport, six hundred dollars.

For the salary of the clerk of the police court in Salem, Salem.  
one thousand dollars.

For the salary of the clerk of the police court in Spring- Springfield.  
field, one thousand dollars.

Somerville.

For the salary of the clerk of the police court in Somerville, eight hundred dollars.

#### MUNICIPAL COURTS.

Justices in Boston.

For the salaries of the justices of the municipal court in Boston, nine thousand dollars.

Clerk for criminal business.

For the salary of the clerk of the municipal court in Boston, for criminal business, two thousand five hundred dollars.

Justice for Southern district.

For the salary of the justice of the municipal court for the southern district of Boston, two thousand five hundred dollars.

Clerk.

For the salary of the clerk of the municipal court for the southern district of Boston, one thousand five hundred dollars.

Assistant-clerk.

For the salary of the assistant-clerk of the municipal court for the southern district of Boston, eight hundred dollars.

Justice of Dorchester district.

For the salary of the justice of the municipal court of the Dorchester district in Boston, one thousand two hundred dollars.

Justice in Taunton.

For the salary of the justice of the municipal court in Taunton, one thousand two hundred dollars; and for the salary of the clerk of said court, eight hundred dollars.

#### DISTRICT COURTS.

Justice—Central Berkshire.

For the salary of the justice of the district court for central Berkshire, one thousand six hundred dollars.

Northern Berkshire.

For the salary of the justice of the district court for northern Berkshire, one thousand two hundred dollars.

Southern Berkshire.

For the salary of the justice of the district court for southern Berkshire, one thousand two hundred dollars.

Southern Worcester—First district.

For the salary of the justice of the first district court of southern Worcester, one thousand two hundred dollars.

Second district.

For the salary of the justice of the second district court of southern Worcester, one thousand two hundred dollars.

Third district.

For the salary of the justice of the third district court of southern Worcester, one thousand six hundred dollars.

Eastern Worcester—First district.

For the salary of the justice of the first district court of eastern Worcester, eight hundred dollars.

Central Worcester.

For the salary of the justice of the central district court of Worcester, three thousand dollars.

For the salary of the justice of the first district court of northern Middlesex, one thousand dollars. Northern Middlesex.

For the salary of the justice of the district court of east Norfolk, one thousand five hundred dollars. East Norfolk.

For the salary of the justice of the district court of eastern Hampden, one thousand dollars. Eastern Hampden.

For the salary of the clerk of the district court for central Berkshire, six hundred dollars. Clerk—Central Berkshire.

For the salary of the clerk of the district court for northern Berkshire, eight hundred dollars. Northern Berkshire.

For the salary of the clerk of the district court for southern Berkshire, three hundred dollars. Southern Berkshire.

For the salary of the clerk of the central district court of Worcester, two thousand five hundred dollars. Central Worcester.

For the salary of the clerk of the district court for east Norfolk, five hundred dollars. East Norfolk.

SECTION 2. This act shall take effect upon its passage.

*Approved January 30, 1873.*

AN ACT TO UNITE THE WEST AMESBURY BRANCH RAILROAD COMPANY OF THIS STATE WITH THE WEST AMESBURY BRANCH RAILROAD COMPANY OF NEW HAMPSHIRE.

*Chap. 8.*

*Be it enacted, &c., as follows:*

SECTION 1. The West Amesbury Branch Railroad Company of this state, at a meeting duly called for the purpose, may by vote unite with the West Amesbury Branch Railroad Company of New Hampshire, and form one corporation to be called the West Amesbury Branch Railroad Company, and said new corporation shall have all the rights and powers and be subject to all the duties and liabilities of the said old corporations. West Amesbury Branch Railroad may unite with West Amesbury Branch of New Hampshire.

SECTION 2. One at least of the officers of said new corporation shall be an inhabitant of this state, on whom processes against said corporation and notices to the same may be legally served. One officer to be an inhabitant of Mass.

SECTION 3. The said new corporation shall keep separate accounts of its expenditures and receipts in each state, and a commissioner shall be appointed by the governor, to hold office for three years, and to be paid by said corporation, who, together with such commissioner, if any, as may be appointed by the governor of New Hampshire, shall decide what portion of the whole expenditures and receipts pertains to that part of the road lying in each state; and the annual reports to the board of railroad commissioners of this state shall be Separate accounts to be kept in each state. Commissioners. Annual reports.

approved by the said commissioners or by said first mentioned commissioner.

SECTION 4. This act shall take effect upon its passage.

*Approved January 30, 1873.*

*Chap.* 9. AN ACT CONFIRMING THE LOCATION OF THE OLD COLONY RAILROAD FROM WELFLEET TO PROVINCETOWN AND EXTENDING THE TIME FOR THE CONSTRUCTION THEREOF, AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows:*

Location confirmed.

SECTION 1. The location of the railroad from Wellfleet to Provincetown, as filed with the county commissioners of Barnstable County on the twenty-eighth day of June in the year eighteen hundred and seventy-two, is approved and confirmed, and the Old Colony Railroad Company may refile the said location upon the same line, at any time before the first day of July, in the year eighteen hundred and seventy-three.

Time for completion extended.

SECTION 2. The time within which said railroad must be completed is extended to the first day of June, in the year eighteen hundred and seventy-four.

\$225,000 additional capital stock.

SECTION 3. The Old Colony Railroad Company may issue its stock to an amount not exceeding two hundred and twenty-five thousand dollars, to subscribers for stock in the Cape Cod Railroad Company for the extension from Wellfleet to Provincetown in accordance with the provisions of such subscriptions and the terms of the consolidation under the provisions of chapter one hundred and forty-three of the acts of the year eighteen hundred and seventy-two.

SECTION 4. This act shall take effect upon its passage.

*Approved January 30, 1873.*

*Chap.* 10. AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

*Be it enacted, &c., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-three, to wit:—

#### LEGISLATIVE DEPARTMENT.

Clerks of Senate and House.

For the salaries of the clerks of the senate and house of representatives, five thousand dollars.

For the salary of the sergeant-at-arms, two thousand five hundred dollars. Sergeant-at-arms.

For the compensation of an engineer and such watchmen and firemen as may be employed in the state house, a sum not exceeding nine thousand two hundred dollars. Engineer, watchmen and firemen.

#### EXECUTIVE DEPARTMENT.

For the compensation and mileage of the lieutenant-governor and council, a sum not exceeding sixteen thousand dollars. Lieut.-governor and council.

For the salary of the private secretary of the governor, two thousand dollars. Private secretary.

For the salary of the messenger of the governor and council, one thousand two hundred dollars. Messenger.

For the salary of the assistant-messenger of the governor and council, eight hundred dollars. Assistant-messenger.

For the expenses of the executive department, as authorized by chapter two hundred and fifty of the acts of the year eighteen hundred and seventy, a sum not exceeding five thousand dollars. Department expenses.

#### SECRETARY'S DEPARTMENT.

For the salary of the secretary of the Commonwealth, three thousand five hundred dollars. Secretary.

For the salary of the first clerk in the secretary's department, two thousand dollars. First clerk.

For the salary of the second clerk in the secretary's department, one thousand seven hundred dollars. Second clerk.

For the salary of the messenger in the secretary's department, one thousand two hundred dollars. Messenger.

For such additional clerical assistance as the secretary may find necessary, a sum not exceeding fifteen thousand dollars. Additional clerical assistance.

#### TREASURER'S DEPARTMENT.

For the salary of the treasurer and receiver-general, five thousand dollars. Treasurer.

For the salary of the first clerk in the treasurer's department, two thousand five hundred dollars. First clerk.

For the salary of the cashier in the treasurer's department, two thousand dollars. Cashier.

For the salary of the first assistant clerk in the treasurer's department, two thousand dollars. First assistant clerk.

Additional clerical assistance. For such additional clerical assistance as the treasurer may find necessary, a sum not exceeding three thousand dollars.

#### TAX COMMISSIONER'S BUREAU.

Deputy tax commissioner. For the salary of the deputy tax commissioner, and of the commissioner of corporations, three thousand dollars.

First clerk. For the salary of the first clerk of the tax commissioner, two thousand dollars.

Second clerk. For the salary of the second clerk of the tax commissioner, one thousand five hundred dollars.

Additional clerical assistance. For such additional clerical assistance as the tax commissioner and the commissioner of corporations may find necessary, a sum not exceeding twelve thousand dollars.

#### AUDITOR'S DEPARTMENT.

Auditor of accounts. For the salary of the auditor of accounts, three thousand five hundred dollars.

First clerk. For the salary of the first clerk in the auditor's department, two thousand two hundred dollars.

First assistant clerk. For the salary of the first assistant clerk in the auditor's department, two thousand dollars.

Additional clerical assistance. For such additional clerical assistance as the auditor may find necessary, a sum not exceeding three thousand dollars.

#### ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-general. For the salary of the attorney-general, three thousand five hundred dollars.

Assistant attorney-general. For the salary of the assistant attorney-general, one thousand eight hundred dollars.

#### COMMISSIONERS, ET ALS.

Savings bank commissioner. For the salary of the commissioner of savings banks, three thousand three hundred dollars.

Insurance commissioner. For the salary of the insurance commissioner, two thousand dollars.

Deputy insurance commissioner. For the salary of the deputy insurance commissioner, three thousand dollars.

Clerk. For the salary of the clerk of the insurance commissioner, two thousand dollars.

Additional clerical assistance. For such additional clerical assistance as the insurance



commissioner may find necessary, a sum not exceeding four thousand five hundred dollars.

The fees received as compensation for the valuation of life-policies, are hereby appropriated, to be applied in accordance with the provisions of chapter four hundred and thirty-four of the acts of the year eighteen hundred and sixty-nine.

For the salary and office expenses of the inspector of gasmeters, three thousand dollars.

For the salaries of the railroad commissioners, twelve thousand dollars.

For the salary of the clerk of the railroad commissioners, two thousand dollars.

For the salary of the secretary of the state board of health, two thousand five hundred dollars.

For the salary of the chief of the bureau of statistics on the subject of labor, two thousand five hundred dollars; and for the salary of his deputy, two thousand dollars.

For the compensation of other clerical services, and for expenses of the bureau of statistics on the subject of labor, a sum not exceeding five thousand dollars.

For the salary of the secretary of the board of prison commissioners, two thousand dollars.

For the compensation of the police commissioners, a sum not exceeding one thousand five hundred dollars; and for their actual travelling expenses, a sum not exceeding five hundred dollars. For the salary of the chief constable of the Commonwealth, three thousand dollars; for the salaries of the deputy constables, a sum not exceeding one hundred eighteen thousand and eight hundred dollars; for actual travelling expenses paid by said constables, a sum not exceeding twenty-five thousand dollars.

#### AGRICULTURAL DEPARTMENT.

For the salary of the secretary of the board of agriculture, two thousand five hundred dollars.

For the salary of the clerk of the secretary of the board of agriculture, one thousand one hundred dollars.

For the compensation of other clerical services in the office of the secretary of the board of agriculture, and for lectures before the board of agriculture, a sum not exceeding four hundred dollars.

Fees for valuation of life-policies, how applied.

Inspector of gasmeters.

Railroad commissioners.

Clerk.

Secretary of board of health.

Bureau of statistics and labor, chief and deputy.

Clerical services.

Secretary of prison commissioners.

Police commissioners.

Chief constable.

Deputy constables.

Travelling expenses.

Secretary of board.

Clerk.

Clerical services and lectures.

## BOARD OF STATE CHARITIES.

- Secretary. For the salary of the secretary of the board of state charities, three thousand dollars.
- Clerical assistance. For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding six thousand dollars.
- General agent. For the salary of the general agent of the board of state charities, three thousand dollars.
- Clerical and other assistance. For such clerical and other assistance as the general agent of the board of state charities may find necessary, a sum not exceeding seven thousand five hundred dollars.
- Visiting agent. For the salary of the visiting agent of the board of state charities, two thousand five hundred dollars.
- Clerical and other assistance. For such clerical and other assistance as the visiting agent of the board of state charities may find necessary, a sum not exceeding ten thousand dollars.
- Transportation of state paupers. For the transportation of state paupers, to be expended by the agent of the board of state charities, a sum not exceeding ten thousand dollars, and any additional assistance necessary to effect such transportation shall be paid out of that sum: *provided*, a detailed report of such expenditure shall be rendered to the auditor of accounts whenever required.
- Proviso.

## EDUCATIONAL DEPARTMENT.

- Secretary. For the salary and expenses of the secretary of the board of education, three thousand four hundred dollars, to be paid from the moiety of the income of the Massachusetts school fund applicable to educational purposes.
- Salaries and expenses of agents. For the salary and expenses of such agent or agents as the board of education may appoint, a sum not exceeding six thousand dollars, to be paid from the moiety of the income of the Massachusetts school fund, applicable to educational purposes.
- Assistant librarian and clerk. For the salary of the assistant librarian and clerk of the board of education, two thousand dollars.
- Additional clerical assistance. For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding one thousand five hundred dollars.

## MILITARY DEPARTMENT.

- Adjutant-general. For the salary of the adjutant-general, two thousand five hundred dollars.

For the salary of the first clerk of the adjutant-general, First clerk.  
two thousand dollars.

For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding five thousand three hundred dollars. Additional clerical assistance.

For the salary of the surgeon-general, a sum not exceeding two thousand five hundred dollars. Surgeon-general.

For such clerical assistance as the surgeon-general may find necessary, a sum not exceeding three thousand five hundred dollars. Clerical assistance.

For the compensation of a messenger in the surgeon-general's bureau, a sum not exceeding one thousand dollars. Messenger.

For the compensation of the employes at the state arsenal at Cambridge, a sum not exceeding two thousand seven hundred dollars. Employees at arsenal.

For any expenditure necessary to carry out the provisions of chapter one hundred and sixty-two of the acts of eighteen hundred and sixty-five, and chapter twelve of the acts of eighteen hundred and sixty-nine, relating to the care of persons infected with small-pox or other diseases dangerous to the public, a sum not exceeding three thousand five hundred dollars, applicable for the present and previous years. Care of persons infected with diseases dangerous to the public.

SECTION 2. This act shall take effect upon its passage.

*Approved January 31, 1873.*

AN ACT RELATIVE TO THE QUALIFICATION OF COMMISSIONERS FOR MASSACHUSETTS IN OTHER STATES AND TERRITORIES.

*Be it enacted, &c., as follows :*

SECTION 1. The oath or affirmation required by law for the qualification of commissioners for Massachusetts in other states and territories of the United States, may be taken and subscribed before a clerk of any court of record within the state or territory where such commissioner resides, with the same effect and subject to the same provisions as if taken before a magistrate named in section forty-two of chapter fourteen of the General Statutes. Qualification of commissioners for Mass. in other states. Oath may be administered by clerk of a court of record.

SECTION 2. This act shall take effect upon its passage.

*Approved January 31, 1873.*

**Chap. 12.** AN ACT MAKING APPROPRIATIONS FOR THE MILEAGE AND COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF THE PREACHER OF THE ELECTION SERMON, THE CHAPLAINS, DOOR-KEEPERS, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES, AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows :*

**Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, for the purposes specified, to wit :

**Senators—  
Mileage.** For the mileage of senators, a sum not exceeding four hundred dollars.

**Compensation.** For the compensation of senators, a sum not exceeding thirty thousand seven hundred and fifty dollars.

**Representatives—  
Mileage.** For the mileage of representatives, a sum not exceeding two thousand two hundred dollars.

**Compensation.** For the compensation of representatives, a sum not exceeding one hundred and eighty thousand seven hundred and fifty dollars.

**Preacher of  
election sermon.** For the compensation of the preacher of the election sermon, one hundred dollars.

**Chaplains of  
senate and  
house.** For the compensation of the chaplains of the senate and house of representatives, eight hundred dollars.

**Door-keepers,  
messengers, &c.** For the compensation of the door-keepers, messengers and pages of the senate and house of representatives, a sum not exceeding fifteen thousand dollars.

**Fees, &c., of  
witnesses before  
committees.** For fees and expenses of summoning witnesses before committees, and for the fees of such witnesses, a sum not exceeding one thousand dollars.

**Expenses, &c.,  
of committees.** For the authorized expenses of committees of the present legislature, including clerical assistance of committees authorized to employ the same, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 1, 1873.*

**Chap. 13.** AN ACT TO UNITE THE BOSTON AND PROVIDENCE RAILROAD CORPORATION AND THE STOUGHTON BRANCH RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

**The Boston and  
Providence  
Railroad, and  
the Stoughton  
Branch Rail-  
road may unite  
and form one  
corporation.** SECTION 1. The Boston and Providence Railroad Corporation and the Stoughton Branch Railroad Company may unite and form one corporation in the manner following, namely : if the said corporations shall, at meetings called for the purpose, severally vote to unite and form one corporation, then upon the passage of such votes the Stoughton Branch Railroad Company may, on such terms as the two corporations shall mutually agree upon, convey

and assign to the Boston and Providence Railroad Corporation all its franchises and property and all the rights, easements, privileges and powers granted to it, and the same shall be held and enjoyed by the Boston and Providence Railroad Corporation in as full and ample a manner as if they had been at first granted directly to the last-named corporation; and the Boston and Providence Railroad Corporation shall, upon such conveyance, have and enjoy all the rights, powers, privileges, easements, franchises and property of the Stoughton Branch Railroad Company, and be subject to all the duties, restrictions, liabilities and obligations to which said last-named corporation may have been subject.

SECTION 2. In case the union provided for in the first section is made, the Boston and Providence Railroad Corporation may issue new stock in lieu of the authorized stock of the Stoughton Branch Railroad Company; but the whole capital of the Boston and Providence Railroad Corporation shall not exceed the authorized capital of the two corporations: said stock may be issued to stockholders of the Stoughton Branch Railroad Company at such relative values as may be mutually agreed upon; and in order to equalize fractions of shares the Boston and Providence Railroad Corporation may buy shares or fractions of shares from, or sell the same to such stockholders on such terms as the parties may agree upon, at not less than par.

SECTION 3. This act shall take effect upon its passage.

*Approved February 6, 1873.*

New stock may be issued, if the union is made.

Whole capital not to exceed the authorized capital of the two corporations.

AN ACT IN RELATION TO THE BOSTON, BARRE AND GARDNER RAILROAD CORPORATION.

*Chap. 14.*

*Be it enacted, &c., as follows:*

SECTION 1. The Boston, Barre and Gardner Railroad Corporation, at any time prior to the first day of July, eighteen hundred and seventy-five, may locate and construct its road from Barber's crossing in Worcester, to the new union passenger station to be constructed in said Worcester, as provided in the tenth section of the three hundred and forty-third chapter of the acts of the year eighteen hundred and seventy-one, and may maintain its said road after its construction.

Time for location and construction extended.

SECTION 2. This act shall take effect upon its passage.

*Approved February 6, 1873.*

**Chap. 15.** AN ACT AUTHORIZING THE NEW HAVEN AND NORTHAMPTON COMPANY TO INCREASE ITS CAPITAL STOCK.

*Be it enacted, &c., as follows :*

\$2,000,000 additional capital stock.

SECTION 1. The New Haven and Northampton Company is hereby authorized to increase its capital stock by adding thereto a sum not exceeding two million dollars, to be divided into shares of one hundred dollars each, to be issued in such manner as the directors of said company shall determine: *provided*, that the capital stock of said company shall not, at any time, exceed the cost of its railroad, stations and equipments.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved February 6, 1873.*

**Chap. 16.** AN ACT TO CHANGE THE NAME OF THE ATHOL AND ENFIELD RAILROAD COMPANY, AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows :*

Name changed.

SECTION 1. The name of the Athol and Enfield Railroad Company is changed to the Springfield, Athol and Northeastern Railroad Company.

Location legalized.

SECTION 2. The location of the road of said company through Palmer, Ludlow, Belchertown and Springfield, is legalized as now located and in process of construction.

Capital stock may be increased.

SECTION 3. The capital stock may be increased from time to time, upon a two-thirds vote of the directors therefor, but it shall not exceed one million dollars. All past acts of the city of Springfield and of said company, shall have the same effect as if such increase had been authorized by chapter one hundred and twenty-four of the acts of the year eighteen hundred and seventy-two.

SECTION 4. This act shall take effect upon its passage.

*Approved February 6, 1873.*

**Chap. 17.** AN ACT TO CHANGE THE NAME OF THE AMERICAN HIDE SEAT COMPANY.

*Be it enacted, &c., as follows :*

Name changed.

SECTION 1. The American Hide Seat Company, a corporation having its usual place of business at Rockport, shall hereafter be called the Rockport Hide Manufacturing Company.

SECTION 2. This act shall take effect upon its passage.

*Approved February 6, 1873.*

AN ACT TO FIX THE SALARY OF THE CLERK OF THE DISTRICT COURT OF EAST NORFOLK. *Chap. 18.*

*Be it enacted, &c., as follows :*

SECTION 1. From the first day of January, in the year eighteen hundred and seventy-three, the clerk of the district court of East Norfolk shall receive for annual salary and clerk hire, the sum of eight hundred dollars, to be paid from the treasury of the Commonwealth. Salary fixed.

SECTION 2. This act shall take effect upon its passage.

*Approved February 6, 1873.*

AN ACT TO AUTHORIZE EACH REGISTER OF DEEDS TO APPOINT AN ASSISTANT-REGISTER. *Chap. 19.*

*Be it enacted, &c., as follows :*

SECTION 1. Each register of deeds may, subject to the approval of the superior court in the county in which he has his office, appoint an assistant-register of deeds, who shall give bond for the faithful discharge of his duty, in the same manner as is provided by law for the register, and for whose doings the register shall be responsible. The assistant shall be paid for his services by the register, and be removable at his pleasure. Register of deeds may appoint an assistant-register.  
Compensation.

SECTION 2. Any document or paper certified or attested by such assistant-register shall be admissible as evidence in all courts of the Commonwealth, in the same manner and to the same extent as if such document or paper were certified or attested by the register by whom he was appointed. Papers certified by assistant admissible as evidence in the courts.

SECTION 3. This act shall take effect upon its passage.

*Approved February 10, 1873.*

AN ACT TO INCORPORATE THE NEW BEDFORD RAILROAD COMPANY, AND TO AUTHORIZE THE CONSOLIDATION OF RAILROADS BETWEEN NEW BEDFORD AND FITCHBURG, AND FOR OTHER PURPOSES. *Chap. 20.*

*Be it enacted, &c., as follows :*

SECTION 1. Solomon H. Howe, Lyman Nichols and Hiram A. Blood, their associates and successors, are hereby made a corporation by the name of the New Bedford Railroad Company, for the purposes hereinafter set forth ; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in all the general laws which now are, or hereafter may be, in force relating to railroad corporations. Corporators.  
Name.  
Powers and duties.

SECTION 2. The capital stock of the said company shall be divided into shares of one hundred dollars each, Capital stock.

and shall not exceed one million dollars; except as hereinafter provided.

New Bedford and Taunton Railroad may sell its franchise and property to the New Bedford Railroad Company.

SECTION 3. The New Bedford and Taunton Railroad Corporation, by a vote of its directors, approved by the stockholders, at a meeting duly called for the purpose, upon such terms as may be agreed upon with the said New Bedford Railroad Company, may sell, convey and assign to the said New Bedford Railroad Company its franchise and property; and the same shall be held and enjoyed by the New Bedford Railroad Company in as full and ample a manner as if they had first been granted directly to the last-named corporation; and the New Bedford Railroad Company shall, upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property of the New Bedford and Taunton Railroad Corporation, and be subject to all the duties, restrictions, liabilities and obligations to which said last-named corporation may be subject; and the proceeds of such franchise and property of the New Bedford and Taunton Railroad Corporation shall, upon the transfer of the same, be forthwith appropriated by its directors to the payment of its debts and liabilities; except its bonded debt, due in the year eighteen hundred and eighty-one, which may be assumed by the said New Bedford Railroad Company; and any balance which may remain shall be divided pro rata among the stockholders.

Bonded debt may be assumed by New Bedford Railroad.

New Bedford Railroad may construct a second track from New Bedford to Taunton, and extend track to deep water in New Bedford.

SECTION 4. The New Bedford Railroad Company may, at any time, within two years, after it shall have completed the purchase authorized by the preceding section, construct a second track from New Bedford to Taunton, and may extend its road to deep water in New Bedford, and may, for that purpose, purchase or take lands and wharves in said city; and may construct, use and maintain tracks along or across any and all such streets in said city, at grade therewith, as the board of aldermen of said city may determine, upon the petition of said corporation; and may increase its capital stock for the purposes authorized by this section, by a sum not exceeding the amount expended under its provisions.

May purchase franchise and property of the Middleborough and Taunton Railroad, and increase capital stock.

SECTION 5. After the New Bedford Railroad Company shall have completed the purchase authorized by the third section of this act, it may purchase the property and franchise of the Middleborough and Taunton Railroad Company, and may increase its capital stock by an amount not



exceeding the sum expended therefor; and the Middleborough and Taunton Railroad Company may sell its property and franchise to the New Bedford Railroad Company; but no such sale shall be made unless the same shall be approved by the stockholders of the Middleborough and Taunton Railroad Company, at a meeting duly called for the purpose.

SECTION 6. After the New Bedford Railroad Company shall have completed the purchase authorized by the third section of this act, it may purchase the property and franchise of the Taunton Branch Railroad Company, and may increase its capital stock by an amount not exceeding the sum expended therefor; and the Taunton Branch Railroad Company may sell its property and franchise to the New Bedford Railroad Company; but no such sale shall be made unless the same shall be approved by the stockholders of the Taunton Branch Railroad Company, at a meeting duly called for the purpose.

May then purchase franchise and stock of the Taunton Branch Railroad, and increase capital stock.

SECTION 7. After the New Bedford Railroad Company shall have completed the purchase authorized by the third section of this act, it may unite and form one corporation with the Taunton Branch Railroad Company upon such terms as said two corporations may mutually agree upon; but the whole capital of such consolidated corporation shall not exceed the authorized capital of the two corporations; and the said consolidated corporation may take any corporate name that may be approved by the board of railroad commissioners; and shall have, hold and possess all the powers, privileges, rights, franchises, property, claims and demands, which, at the time of such union may be held and enjoyed by either of the uniting corporations, and be subject to all the duties, restrictions, debts and liabilities to which, at the time of union either is subject in severalty; but no such union shall take place unless the agreement for the same shall be ratified by the stockholders of the uniting corporations at meetings duly called for the purpose.

May unite and form one corporation with the Taunton Branch Railroad.

Corporate name to be approved by railroad commissioners.

Union to be ratified by stockholders.

SECTION 8. After the New Bedford Railroad Company shall have purchased or united with the Taunton Branch Railroad Company, such consolidated corporation may unite with the corporation that may be formed by the union of the Mansfield and Framingham Railroad Company with the Boston, Clinton and Fitchburg Railroad Company, authorized by chapter ninety, of the acts of eighteen

Consolidated corporation may unite with corporation that may be formed by the union of the Mansfield and Framingham and the Boston, Clinton and Fitchburg Railroads.

Powers and  
duties.

Union to be  
ratified by the  
stockholders.

Corporate  
name.

hundred and seventy, upon such terms as may be agreed upon by the said consolidated corporations; and the corporation formed by the union of the said consolidated corporations, shall have, hold and possess all the powers, privileges, rights, franchises, property, claims and demands which at the time of such union may be held and enjoyed by either of said corporations, and be subject to all the duties, restrictions, debts and liabilities to which, at the time of union, either is subject in severalty; but the capital of the corporation so formed shall not exceed the sum of the capital of the uniting corporations; and no such union shall take place unless the agreement for the same shall be ratified by the stockholders of the uniting corporations at meetings duly called for the purpose; and after such union is effected the corporation so formed may take any corporate name that may be approved by the board of railroad commissioners.

SECTION 9. This act shall take effect upon its passage.

*Approved February 11, 1873.*

**Chap. 21.** AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO TAKE STOCK IN THE DUXBURY AND COHASSET RAILROAD COMPANY.

*Be it enacted, &c., as follows:*

Town of Plymouth, upon a two-thirds vote, may take stock in the Duxbury and Cohasset Railroad.

May raise money by tax or otherwise, to pay for shares. Selectmen or agents specially chosen to represent town at meetings of the company.

SECTION 1. The town of Plymouth, upon a two-thirds vote of those voting at a town meeting duly called for the purpose, may subscribe for shares in the capital stock of the Duxbury and Cohasset Railroad Company to an amount not exceeding fifty thousand dollars. At such meeting the vote shall be by ballot and the check-list shall be used. Said town, by issuing bonds, by tax or otherwise, may raise any money which it may require to pay for said shares.

SECTION 2. The selectmen, or any agent or agents specially chosen for the purpose, may represent said town at meetings of the Duxbury and Cohasset Railroad Company, and may vote on the whole amount of the stock held by said town, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

SECTION 3. This act shall take effect upon its passage.

*Approved February 11, 1873.*

**Chap. 22.** AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND SEVENTY-TWO, AND PREVIOUS YEARS, AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid from the ordinary revenue, except

in cases otherwise ordered, for the purposes specified herein, to wit :

For expenses incurred by the legislative committee on public charitable institutions in eighteen hundred and seventy-two, a sum not exceeding two hundred dollars and forty cents, which shall be allowed and paid. Expenses of committee on public charitable institutions.

For stationery ordered by the clerk of the house of representatives, twenty-six dollars and thirty cents. Stationery. Clerk of H. of R.

For stationery ordered by the sergeant-at-arms for the legislature, a sum not exceeding two hundred sixty-nine dollars and twenty-nine cents. Stationery. Sergt.-at-arms.

For registration blanks for the secretary's department, a sum not exceeding ninety dollars and five cents. Registration blanks.

For the compensation of an engineer employed in the state house, a sum not exceeding one hundred and fifty-five dollars. Engineer.

For expenses of the secretary of the board of agriculture, a sum not exceeding sixty-two dollars and thirty-eight cents. Secretary of board of agriculture.

For bounties to agricultural societies, a sum not exceeding four hundred dollars. Bounties to agricultural societies.

For expenses of the cattle commissioners appointed in eighteen hundred and sixty-eight, a sum not exceeding fifty-nine dollars and eighty-eight cents. Cattle commissioners' expenses.

For the current expenses of the state almshouse in Tewksbury, a sum not exceeding seven thousand seven hundred sixty-nine dollars and five cents. State almshouse at Tewksbury.

For the support of state pauper convicts, a sum not exceeding two hundred thirty-four dollars and thirty-two cents. Pauper convicts.

For the support of Indian paupers, in accordance with the provisions of chapter four hundred and sixty-three of the acts of the year eighteen hundred and sixty-nine, a sum not exceeding one thousand dollars. Indian paupers.

For the current expenses of the state prison, a sum not exceeding nine thousand two hundred sixty-seven dollars and forty-six cents. State prison.

For the contingent expenses of the state police, a sum not exceeding two thousand two hundred eight dollars and forty-one cents. State police.

For the incidental expenses of the adjutant-general, a sum not exceeding one hundred sixteen dollars and forty-five cents. Adjutant-general.

Quartermaster's supplies.	For quartermaster's supplies, a sum not exceeding one thousand three hundred sixty-five dollars and six cents.
Inspector of gasmeters.	For expenses incurred by the inspector of gasmeters, a sum not exceeding fourteen dollars and thirty-five cents.
Commissioners relating to the division and disposal of Indian lands.	For expenses incurred by the commissioners appointed under authority of section three of chapter four hundred and sixty-three of the acts of the year eighteen hundred and sixty-nine, relating to the division and disposal of Indian lands, a sum not exceeding one thousand dollars.
Board of health of Wakefield.	For expenses incurred by the board of health of the town of Wakefield, in the removal of persons seized with infectious disease, a sum not exceeding sixty-four dollars and forty-three cents.
Board of education, expenses.	For incidental expenses of the board of education, a sum not exceeding one hundred sixty dollars and eight cents, payable from the moiety of the income of the Massachusetts school fund applicable to educational purposes.
Legislature, contingent expenses.	For contingent expenses of the legislature, a sum not exceeding four hundred fifty dollars.
State-house repairs, etc.	For repairs, improvements and furniture for the state house, a sum not exceeding three hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 14, 1873.*

### Chap. 23.

#### AN ACT TO INCORPORATE THE CHARLESTOWN FREE DISPENSARY AND HOSPITAL.

*Be it enacted, &c., as follows:*

Corporators.	SECTION 1. Henry Lyon, John S. Whiting, Charles F. Fairbanks, Gerald Wyman, Edward J. Forster, their associates and successors, are made a corporation by the
Name and purpose.	name of the Charlestown Free Dispensary and Hospital, for the purpose of establishing and maintaining in the city of Charlestown a dispensary and hospital to furnish medical and surgical relief for the poor and deserving of said
Powers and duties.	city; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force and applicable to such corporations.
Real and personal estate.	SECTION 2. Said corporation shall have power to hold real and personal estate to an amount not exceeding one hundred and fifty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

*Approved February 14, 1873.*

AN ACT TO INCORPORATE THE WORKINGMEN'S SAVINGS BANK OF FLORENCE. *Chap. 24.**Be it enacted, &c., as follows :*

SECTION 1. Samuel L. Hill, Geo. A. Burr, A. T. Lilly, A. L. Williston and Isaac S. Parsons, their associates and successors are made a corporation by the name of the "Workingmen's Savings Bank," to be located in the town of Northampton, village of Florence ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or may hereafter be in force in this Commonwealth relating to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

*Approved February 14, 1873.*AN ACT AUTHORIZING A MEETING OF THE SOMERSET RELIGIOUS AND HUMANE SOCIETY. *Chap. 25.**Be it enacted, &c., as follows :*

SECTION 1. The Somerset Religious and Humane Society may hold a meeting for the choice of officers and for the transaction of any business which may legally come before it, and five members shall constitute a quorum.

SECTION 2. Notice of such meeting shall be issued by any justice of the peace for the county of Bristol, upon the written application of three or more members of said society, and said notice shall specify the objects of said meeting, and shall be posted in three or more public places within the town of Somerset.

SECTION 3. This act shall take effect upon its passage.

*Approved February 14, 1873.*AN ACT TO AUTHORIZE HENRY M. CROSS TO EXTEND HIS WHARF IN NEWBURYPORT. *Chap. 26.**Be it enacted, &c., as follows :*

SECTION 1. License is granted to Henry M. Cross, to extend his wharf on the Merrimack River, in Newburyport, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved February 14, 1873.*AN ACT TO INCORPORATE THE BOSTON TOW BOAT COMPANY. *Chap. 27.**Be it enacted, &c., as follows :*

SECTION 1. Edward Whitney, William Sprague and Thomas Winsor, their associates and successors, are made

Powers and  
duties.

a corporation, by the name of the Boston Tow Boat Company, with all the powers and privileges, duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

May build  
steam tugs, and  
let the same by  
charter or other-  
wise.

SECTION 2. Said corporation may build, purchase, charter, hold and convey one or more steam tugs, steam water-boats and lighters, and all materials used in wrecking, and may employ and let the same by charter or otherwise to be employed, in the waters of Boston Harbor and vicinity, and along the Atlantic coast.

Real and per-  
sonal property.

SECTION 3. Said corporation may hold such real and personal property as may be necessary and convenient for the purposes named in the second section: *provided*, that the value of real estate so held shall not exceed seventy-five thousand dollars.

Capital stock.

SECTION 4. The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of the par value of one hundred dollars.

SECTION 5. This act shall take effect upon its passage.

*Approved February 15, 1873.*

*Chap. 28.* AN ACT TO AUTHORIZE WILLIAM LEWIS TO EXTEND HIS WHARF AT VINEYARD HAVEN.

*Be it enacted, &c., as follows:*

May extend  
wharf in Vine-  
yard Haven  
Harbor.

SECTION 1. License is granted to William Lewis, to extend his wharf in Vineyard Haven Harbor, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved February 15, 1873.*

*Chap. 29.* AN ACT TO AUTHORIZE BENJAMIN D. DIXIE TO EXTEND HIS WHARF IN MARBLEHEAD.

*Be it enacted, &c., as follows:*

May extend  
wharf in Mar-  
blehead.

SECTION 1. License is granted to Benjamin D. Dixie, to extend his wharf in Marblehead, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved February 17, 1873.*

*Chap. 30.* AN ACT TO AUTHORIZE THE AMERICAN PRINT WORKS TO ENLARGE THEIR WHARF IN FALL RIVER.

*Be it enacted, &c., as follows:*

May extend and  
enlarge wharf  
in Fall River.

SECTION 1. License is granted to the American Print Works to extend and enlarge their wharf, situate on

Mount Hope Bay, near Globe Village, in the city of Fall River, subject to the provisions of chapter four hundred thirty-two of the acts of the year eighteen hundred sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved February 17, 1873.*

AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR A UNION PASSENGER STATION, AND FOR THE REMOVAL OF RAILROAD TRACKS FROM CERTAIN PUBLIC WAYS AND GROUNDS IN THE CITY OF WORCESTER.

*Chap. 31.*

*Be it enacted, &c., as follows:*

SECTION 1. The time within which the union passenger station in the city of Worcester, mentioned in section five of chapter three hundred and forty-three of the acts of the year eighteen hundred and seventy-one, shall be completed and ready for use, is extended to the first day of June, eighteen hundred and seventy-five.

Time extended for the completion of the union passenger station in Worcester.  
1871, 343, § 5.

SECTION 2. The time within which the locations mentioned in section seven of said chapter may or shall be discontinued, is extended to the first day of June, eighteen hundred and seventy-six.

Time extended for discontinuance of locations.  
1871, 343, § 7.

SECTION 3. The time within which the locations mentioned in section fifteen of said chapter shall be filed, is extended to the first day of June, eighteen hundred and seventy-six.

Time extended for filing locations.  
1871, 343, § 15.

SECTION 4. This act shall take effect upon its passage.

*Approved February 17, 1873.*

AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE STATE ALMSHOUSE, THE STATE PRISON, THE REFORM SCHOOL AT WESTBOROUGH, THE INDUSTRIAL SCHOOL FOR GIRLS, THE BRIDGEWATER WORKHOUSE, THE STATE PRIMARY SCHOOL AT MONSON, AND FOR OTHER PURPOSES.

*Chap. 32.*

*Be it enacted, &c., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise specified, for the purpose of meeting the current expenses of the institutions hereinafter named and for other purposes, during the year ending December thirty-first, in the year eighteen hundred and seventy-three, to wit:—

Appropriations.

#### CHARITABLE.

For the current expenses of the state almshouse at Tewksbury, a sum not exceeding eighty-eight thousand dollars.

State almshouse, Tewksbury.

State primary school, Monson.	For the current expenses of the state primary school at Monson, a sum not exceeding forty-five thousand dollars.
General agent's expenses.	For expenses of the general agent of the board of state charities, a sum not exceeding two thousand dollars.
Secretary's expenses.	For expenses of the secretary of the board of state charities, a sum not exceeding eight hundred dollars.
Visiting agent's expenses.	For contingent expenses of the visiting agent of the board of state charities, a sum not exceeding three thousand dollars.
Travelling expenses.	For travelling and other expenses of the board of state charities, a sum not exceeding one thousand dollars.
Lunatic paupers in hospitals.	For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding eighty thousand dollars.
Support of state paupers by cities and towns.	For the support of state paupers by cities and towns, a sum not exceeding twenty-five thousand dollars, the same to include Indian paupers and any expenses necessary to carry out the provisions of chapter one hundred and sixty-two of the acts of the year eighteen hundred and sixty-five and chapter twelve of the acts of eighteen hundred and sixty nine.
Burial of state paupers.	For the burial of state paupers, a sum not exceeding seven thousand dollars.
Transportation of state paupers.	For the reimbursement of cities and towns for expenses incurred in the transportation of state paupers to the state almshouse, a sum not exceeding five hundred dollars.
Asylum for the blind.	For the Perkins institution and Massachusetts asylum for the blind, the sum of thirty thousand dollars.
Asylums for deaf and dumb.	For the support of Massachusetts beneficiaries in the asylums for deaf and dumb, and in other institutions, a sum not exceeding thirty thousand dollars.
Idiotic and feeble-minded youth.	For the Massachusetts school for idiotic and feeble-minded youth, a sum not exceeding sixteen thousand five hundred dollars.
Johonnot annuities.	For the annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding one thousand six hundred and eighty dollars.
Settlement and bastardy.	For expenses attending the management of cases of settlement and bastardy, and in connection with complaints of or in behalf of persons confined as lunatics, in eighteen hundred and seventy-three, a sum not exceeding two thousand dollars.



For pensions, a sum not exceeding seven hundred dollars. Pensions.

For the annuity of Jane Parks, three hundred dollars. Jane Parks.

For the support of Indian state paupers, in accordance with the provisions of chapter four hundred and sixty-three of the acts of the year eighteen hundred and sixty-nine, a sum not exceeding two thousand dollars. Indian state paupers.

For the support of state pauper convicts, a sum not exceeding five hundred dollars. State pauper convicts.

For the support of state paupers under the provisions of section sixteen of chapter twenty-six of the General Statutes, and chapter one hundred eighty-nine of the acts of eighteen hundred and seventy-two, a sum not exceeding ten thousand dollars. Support of state paupers. G. S. 26, § 16. 1872, 189.

#### REFORMATORY AND CORRECTIONAL.

For the current expenses of the state prison, a sum not exceeding one hundred and twenty-one thousand dollars. State prison, current expenses.

For the current expenses of the state reform school at Westborough, a sum not exceeding fifty-four thousand dollars. —state reform school.

For the current expenses of the industrial school for girls, at Lancaster, a sum not exceeding twenty-two thousand five hundred dollars. —industrial school.

For the current expenses of the state workhouse at Bridgewater, a sum not exceeding forty thousand dollars. —State workhouse.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding two thousand dollars. Fugitives from justice.

For the salary of an agent for the relief of discharged convicts, a sum not exceeding one thousand dollars, and for expenditures of said agent, a sum not exceeding two thousand dollars. Agent discharged convicts.

For expenses of the commissioners on prisons, a sum not exceeding five hundred dollars. Commissioners on prisons.

For the expenses of coroners' inquests, a sum not exceeding one thousand dollars. Coroners' inquests.

From the appropriations for expenses of the state prison, of the state almshouse at Tewksbury, the primary school at Monson, the workhouse at Bridgewater, the reform school at Westborough, and of the industrial school for girls, there may be paid to each in advance, a sum not exceeding one thousand dollars, to be accounted for to the state auditor in the monthly settlements of said institutions, and all sums received by said institutions from Part of appropriation for expenses of state prison, state almshouses, &c., may be advanced and accounted for in monthly settlements with auditor.

cities, towns or individuals for the support of inmates, or for articles sold, shall be paid into the treasury of the Commonwealth.

For the reimbursement of the Massachusetts infant asylum and for the support of infants having no known settlement in the Commonwealth, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1873.*

*Chap. 33.* AN ACT TO INCREASE THE CAPITAL STOCK AND CHANGE THE NAME OF THE NEW BEDFORD AND NEW YORK STEAM PROPELLER COMPANY.

*Be it enacted, &c., as follows:*

\$350,000 additional capital stock.

SECTION 1. The New Bedford and New York Steam Propeller Company may increase its capital stock by an amount not exceeding three hundred and fifty thousand dollars, in addition to the amount heretofore authorized by law, at such times and in such sums as the stockholders may determine; to be divided into shares of one hundred dollars each.

Name changed.

SECTION 2. The name of said corporation is changed to the New Bedford and New York Steamship Company.

SECTION 3. This act shall take effect upon its passage.

*Approved February 19, 1873.*

*Chap. 34.* AN ACT TO AMEND AN ACT TO INCORPORATE THE TRUSTEES OF THE SMITH CHARITIES.

*Be it enacted, &c., as follows:*

Amendment to 1849, 96, § 2.

SECTION 1. The second section of chapter ninety-six of the acts of the year eighteen hundred and forty-nine, is amended by striking out the word "twenty," and inserting instead thereof the word "forty."

SECTION 2. This act shall take effect upon its passage.

*Approved February 19, 1873.*

*Chap. 35.* AN ACT TO INCORPORATE THE MALDEN ODD FELLOWS' HALL ASSOCIATION.

*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. Marvin Lincoln, Augustus L. Barrett, Thomas A. Floyd, their associates and successors, are made a corporation by the name of the Malden Odd Fellows' Hall Association, for the purpose of erecting, or purchasing and maintaining a building in the town of Malden for the accommodation and purposes of an Odd Fellows' Hall, and any other lawful purpose; with all the

Name and purpose.

Powers and duties.

powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

SECTION 2. The capital stock of said corporation shall not exceed twenty-five thousand dollars, divided into shares of the par value of twenty-five dollars, and said corporation may hold for the purposes aforesaid real and personal estate not exceeding the amount of the capital stock: *provided*, that said corporation shall incur no liability until five thousand dollars of its capital stock has been paid in in cash.

Capital stock and shares.

Not to incur liability until \$5,000 has been paid in.

SECTION 3. This act shall take effect upon its passage.

*Approved February 20, 1873.*

AN ACT TO FIX THE FEE OF PERSONS ATTENDING AS JURORS BEFORE  
A SHERIFF.

*Chap. 36.*

*Be it enacted, &c., as follows:*

SECTION 1. The fee for attending as a juror before a sheriff shall be three dollars a day.

\$3 a day for attendance.

SECTION 2. This act shall take effect upon its passage.

*Approved February 20, 1873.*

AN ACT RELATING TO THE PAR VALUE OF SHARES IN CORPORATIONS.

*Chap. 37.*

*Be it enacted, &c., as follows:*

SECTION 1. The par value of shares in the capital stock of all corporations hereafter organized, except where otherwise provided by law, shall be one hundred dollars.

Par value of shares of corporations hereafter organized to be \$100.

SECTION 2. Corporations heretofore organized with a capital stock divided into shares of a par value other than one hundred dollars, may change the par value to one hundred dollars, and any such change heretofore made is ratified and confirmed so far as it may have been invalid for lack of authority.

—heretofore organized may be changed to \$100.

SECTION 3. This act shall take effect upon its passage.

*Approved February 20, 1873.*

AN ACT TO ESTABLISH A GRADE IN THE TOWN OF BROOKLINE.

*Chap. 38.*

*Be it enacted, &c., as follows:*

SECTION 1. The selectmen of the town of Brookline when authorized by a vote of said town at a meeting called for the purpose, shall establish in said town a grade of not less than twelve feet above mean low water; and no person, after such grade is established, shall construct in said town any cellar or basement cellar of any building below such grade, or use or occupy any cellar or basement

Grade may be established of not less than twelve feet above mean low water.

Proviso.

cellar so constructed: *provided*, that the selectmen may by license, subject to revocation at any time by them, authorize cellars to be constructed in buildings used exclusively for storage or business purposes so much below said grade as they shall designate in each license.

When cellar is constructed, &c., contrary to this act, and not altered by owner within ten days of order, the selectmen may alter it.

SECTION 2. If any person constructs or uses any cellar or basement cellar in violation of this act, said selectmen shall order the owner or occupant of such cellar or basement cellar to so alter and construct it as to conform to the requirements of this act; and if such owner or occupant fails to comply with such order within ten days after service thereof, as provided by the following section, said selectmen shall so alter such cellar or basement cellar; and all necessary expenses incurred thereby shall constitute a lien upon the land wherein such cellar or basement cellar is constructed, and upon the buildings upon such land, and may be collected in the manner provided by law for the collection of taxes upon real estate; and the town treasurer in behalf of said town may purchase such land or land and buildings at any sale thereof for the enforcement of such lien.

Expenses to be lien upon the land and buildings.

Order to be made in writing.

SECTION 3. All orders under the preceding section shall be made in writing, and served upon said owners or occupants, or their authorized agents, as prescribed by section nine of chapter twenty-six of the General Statutes, for the service of orders of boards of health, and the supreme judicial court, or any justice thereof, in term time or vacation, may by injunction or other suitable process in equity, restrain any person or corporation from constructing or using any cellar or basement cellar in violation of the provisions of this act, and may enforce such provisions, and may order and enforce the abatement or alteration of any cellar or basement cellar constructed or used in violation thereof, so as to comply with said provisions.

S. J. C. may restrain by injunction.

SECTION 4. This act shall take effect upon its passage.

*Approved February 24, 1873.*

### Chap. 39.

AN ACT IN RELATION TO THE CAPITAL OF GAS CORPORATIONS.

*Be it enacted, &c., as follows:*

Amendment to 1870, 224, § 5.

SECTION 1. Section five of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, is amended by striking out the words "five hundred thousand," and inserting instead thereof the

words "one million": *provided*, that any additional shares of stock issued for any purpose by a gas-light corporation, shall be sold by public auction, in the same manner and under the same regulations as are applicable to the increase of the capital stock of railroad corporations under chapter three hundred and ninety-two of the acts of eighteen hundred and seventy-one, except that in addition to the advertising therein provided, such sale of additional stock issued by gas-light corporations shall be advertised for the same length of time as therein specified, in one or more newspapers in the town or city where such corporation is located; or if no newspaper is published in such town or city, the sale shall be advertised in one or more newspapers published nearest the town or city where the corporation is located.

Additional shares to be sold at public auction.

SECTION 2. The provisions of chapter one hundred and ten of the acts of the year eighteen hundred and seventy-one shall apply to corporations heretofore organized under special charters or any general law for the purpose of making and selling gas for light in a city or town.

Provisions of 1871, 110, to apply to corporations heretofore organized.

SECTION 3. This act shall take effect upon its passage.  
*Approved February 24, 1873.*

AN ACT TO INCREASE THE NUMBER OF THE ASSOCIATE JUSTICES OF THE SUPREME JUDICIAL COURT.

*Chap. 40.*

*Be it enacted, &c., as follows:*

SECTION 1. The number of associate justices of the supreme judicial court shall be six instead of five, as now provided by law.

Six associate justices of S. J. C.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 24, 1873.*

AN ACT TO PROTECT THE OYSTER FISHERY IN BARLOW RIVER.

*Chap. 41.*

*Be it enacted, &c., as follows:*

SECTION 1. Whoever takes any oysters from Barlow River, in the town of Sandwich, at any time previous to the first day of October, eighteen hundred and seventy-four, shall forfeit five dollars for each bushel and fraction of a bushel so taken.

Oysters not to be taken from Barlow River, in Sandwich, before first of October. Penalty.

SECTION 2. The inhabitants of the town of Sandwich, at a legal meeting called for the purpose, may make regulations concerning the taking of oysters in said river after said first day of October; and whoever takes any oysters from said river contrary to such regulations, shall be subject to the same penalties as are provided in the pre-

Inhabitants may make regulations concerning taking of oysters.

ceding section. The penalties provided in this act may be recovered by complaint or indictment in any court of competent jurisdiction.

SECTION 3. This act shall take effect upon its passage.

*Approved February 26, 1873.*

**Chap. 42.** AN ACT IN FURTHER ADDITION TO AN ACT CONCERNING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS.

*Be it enacted, &c., as follows :*

Repeal of sections 2 and 3, and so much of section 5, of 1871, 334, as relates to calling meetings.

SECTION 1. Sections two and three and so much of section five of chapter three hundred and thirty-four of the acts of the year eighteen hundred and seventy-one as relates to the calling of meetings, are hereby repealed.

SECTION 2. Nothing contained in this act shall affect any case now pending.

SECTION 3. This act shall take effect upon the first Tuesday of May next.

*Approved February 26, 1873.*

**Chap. 43.** AN ACT CONCERNING JURISDICTION OVER LANDS USED FOR POST-OFFICES.

*Be it enacted, &c., as follows :*

Jurisdiction ceded to U. S. of lands necessary for erecting post-offices.

SECTION 1. Jurisdiction is ceded to the United States over any tracts of land within this Commonwealth, necessary for the purpose of erecting post-offices, whenever the United States shall have acquired title thereto in fee: *provided, always,* that this Commonwealth shall retain concurrent jurisdiction with the United States in and over such tracts, so far as that all civil and criminal processes issuing under the authority of this Commonwealth may be executed thereon and in any buildings thereon, in the same manner as if this act had not been passed: and exclusive jurisdiction shall revert in this Commonwealth over any such tract which shall cease to be used for the purpose of a post-office: *provided, also,* that a suitable plan of each tract over which jurisdiction is acquired by the United States under this act shall be filed in the office of the secretary of the Commonwealth within one year after the acquisition of the title.

Proviso.

Proviso.

Not to apply to land hereafter ceded.

SECTION 2. This act shall not apply to lands jurisdiction over which has been heretofore ceded to the United States by this Commonwealth.

SECTION 3. This act shall take effect upon its passage.

*Approved February 26, 1873.*

AN ACT TO LIMIT THE SERVICE OF JURORS IN THE COUNTY OF SUFFOLK. *Chap. 44.**Be it enacted, &c., as follows:*

SECTION 1. No person shall serve as a traverse juror in the county of Suffolk more than thirty days at any term of court, unless for the purpose of finishing a case commenced within that time.

Not to serve as traverse juror more than thirty days at a term.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1873.*AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO RAISE TWENTY THOUSAND DOLLARS FOR THE THAYER ACADEMY. *Chap. 45.**Be it enacted, &c., as follows:*

SECTION 1. The town of Braintree, by issuing its bonds, by loan or tax, may raise the sum of twenty thousand dollars to be appropriated and paid to the trustees under the will of Sylvanus Thayer, late of Braintree, and applied to the purchase of land and the erection of buildings for the school provided for in said will.

May raise \$20,000, and pay it to trustees under will of Sylvanus Thayer.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1873.*AN ACT TO INCORPORATE THE BOSTON AND PHILADELPHIA STEAMSHIP COMPANY. *Chap. 46.**Be it enacted, &c., as follows:*

SECTION 1. Edward S. Tobey, Edward Whitney and Alfred Winsor, their associates and successors, are made a corporation by the name of the Boston and Philadelphia Steamship Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force, applicable to such corporations.

Corporators.

Powers and duties.

SECTION 2. Said company may build, purchase, charter, hold and convey steamships, and employ the same in the business of transporting passengers and freight between the ports of Boston and Philadelphia and Providence and Philadelphia, with liberty to touch at intermediate ports except New York; and said company may let by charter one or more of its steamships to any person or persons, provided such charter does not prevent said company from complying with the terms of this act.

May transport passengers and freight between Boston and Philadelphia, and Providence and Philadelphia.

SECTION 3. The capital stock of said company shall not exceed one million five hundred thousand dollars, and shall be divided into shares of the par value of one hundred dollars.

Capital stock and shares.

SECTION 4. Said company may hold such real estate not

Real estate.

exceeding in value five hundred thousand dollars, as may be necessary and convenient for the transaction of its business.

Company to be organized, &c., within one year, and two steamships to be employed within two years.

SECTION 5. If said company shall not have been organized and have collected assessments of at least ten per cent. on its capital stock, within one year from the passage hereof, and shall not within two years from such passage have two steamships employed in the business aforesaid, or if said company shall thereafter wholly fail for the period of one year to employ one steamship in said business, unless prevented by war with foreign powers, then this act shall be null and void.

SECTION 6. This act shall take effect upon its passage.

*Approved February 26, 1873.*

**Chap. 47.** AN ACT TO AUTHORIZE WILLIAM HUMPHREYS AND EBENEZER S. TWISDEN TO EXTEND THEIR WHARVES IN MARBLEHEAD.

*Be it enacted, &c., as follows:*

May extend wharves in Marblehead.

SECTION 1. License is given to William Humphreys and Ebenezer S. Twisden to extend their wharves in Marblehead, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1873.*

**Chap. 48.** AN ACT TO AUTHORIZE THE NORTHAMPTON AND WILLIAMSBURG STREET RAILWAY COMPANY TO CHANGE ITS NAME AND REDUCE ITS CAPITAL STOCK.

*Be it enacted, &c., as follows:*

Name changed.

SECTION 1. The name of the Northampton and Williamsburg Street Railway Company is changed to the Northampton Street Railway Company.

Capital may be reduced to \$50,000.

SECTION 2. Said company may reduce its capital stock to fifty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

*Approved February 26, 1873.*

**Chap. 49.** AN ACT TO AUTHORIZE THE NEWBURYPORT AND AMESBURY HORSE RAILROAD COMPANY TO LEASE ITS ROAD AND FRANCHISE.

*Be it enacted, &c., as follows:*

May lease road and franchise.

SECTION 1. The Newburyport and Amesbury Horse Railroad Company may lease its road and franchise and contract with any responsible parties for the operation of its road; but such lease or contract shall not release or exempt said company from any duties, liabilities or restrictions to which it would otherwise be subject.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1873.*



AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

*Chap. 50.*

*Be it enacted, &c., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated for the purposes specified, to be paid from the ordinary revenue, unless otherwise ordered, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-three, to wit:

#### LEGISLATIVE AND EXECUTIVE DEPARTMENTS.

For printing and binding ordered by the senate or house of representatives, or by the concurrent order of the two branches, a sum not exceeding forty-five thousand dollars.

Printing and binding ordered by legislature.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding one thousand dollars.

Senate stationery.

For printing blanks and circulars and the calendar of orders of the day for the use of the senate, a sum not exceeding one thousand dollars.

Senate blanks, circulars, &c.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding two thousand two hundred dollars.

House stationery.

For printing blanks and circulars and the calendar of orders of the day for the use of the house of representatives, a sum not exceeding one thousand three hundred dollars.

House blanks, circulars, &c.

For books, stationery, printing and advertising ordered by the sergeant-at-arms for the legislature, a sum not exceeding one thousand dollars.

Stationery, &c., ordered by sergt.-at-arms.

For postage, printing and stationery for the governor and council, a sum not exceeding one thousand dollars.

Postage, &c., for governor and council.

For the contingent expenses of the council, a sum not exceeding one thousand five hundred dollars.

Contingent expenses of the council.

#### STATE HOUSE.

For fuel and lights for the state house, a sum not exceeding six thousand five hundred dollars.

State house fuel and lights.

For repairs, improvements and furniture of the state house, a sum not exceeding four thousand dollars.

—repairs and furniture.

For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, a sum not exceeding four thousand three

Contingent expenses of senate and house of representatives.

Proviso.      hundred dollars : *provided*, that no part of such sum shall be expended for stationery, postage, printing, repairs or furniture, or for the purchase of any article or thing, or to effect any object for which an appropriation is otherwise made in this act or in any other act which may be subsequently passed.

#### STATE PRINTING.

Printing general laws.      For printing thirty-five thousand copies of the pamphlet edition of the general acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding eight thousand dollars.

Printing and binding "Blue Book."      For printing and binding four thousand five hundred copies of the "blue book" edition of the acts and resolves of the present year, with the governor's message and other matters, in the usual form, a sum not exceeding eight thousand dollars.

Newspaper publication of general laws.      For the newspaper publication of the general laws and all other information intended for the public, a sum not exceeding five hundred dollars.

Public documents.      For printing the public series of documents in the last quarter of the year one thousand eight hundred and seventy-three, under the direction of the secretary of the Commonwealth, and for binding the copies to be distributed to the towns and cities, a sum not exceeding thirty thousand dollars.

Term reports.      For term reports, a sum not exceeding five thousand five hundred dollars.

Supplement to the general statutes.      For publishing and editing the supplement to the General Statutes for the present year, as authorized by chapter eighteen of the resolves of the year eighteen hundred and sixty-seven, a sum not exceeding five hundred dollars for publishing, and two hundred dollars for editing the same.

#### INCIDENTAL AND CONTINGENT EXPENSES.

Incidental expenses—Secretary.      For incidental expenses of the secretary's department, a sum not exceeding five thousand five hundred dollars; and for assessors' books and registration blanks for the secretary's department, a sum not exceeding two thousand five hundred dollars.

Treasurer.      For incidental expenses of the treasurer's department, a sum not exceeding two thousand dollars.

Tax commissioner.      For expenses of the tax commissioner, a sum not exceeding three thousand and fifty dollars.

For expenses of the auditor's department, the same to include expenses attending the administration of the law, providing state aid for Massachusetts volunteers and their families, a sum not exceeding eight hundred dollars.

Auditor.

For incidental and contingent expenses of the insurance commissioner, a sum not exceeding two thousand seven hundred dollars.

Insurance commissioner.

For fees, costs and court expenses of the attorney-general, and for incidental and contingent expenses of the office of the attorney-general, a sum not exceeding two thousand dollars.

Attorney-general.

For the contingent expenses of civil actions, as authorized by section twenty-four of chapter fourteen of the General Statutes, a sum not exceeding three hundred dollars.

Civil actions.

#### MILITARY.

For the incidental expenses and express charges of the adjutant-general, a sum not exceeding two thousand five hundred dollars.

Adjutant-general, incidental expenses.

For militia bounty, a sum not exceeding one hundred and thirteen thousand dollars.

Militia bounty.

For military accounts, a sum not exceeding five thousand dollars.

Military accounts.

For expenses of the bureau of the quartermaster-general, a sum not exceeding six thousand dollars.

Quartermaster-general.

For rent of armories, a sum not exceeding twenty-five thousand dollars.

Rent of armories.

For instruction, orderly and roll-books, a sum not exceeding three hundred dollars.

Books of instruction.

For expenses of the commissioner on the soldiers' national cemeteries at Gettysburg and Antietam, a sum not exceeding fifty dollars.

Soldiers' cemeteries.

For expenses of the bureau of the surgeon-general, a sum not exceeding five hundred dollars.

Surgeon-general.

For medical, surgical and hospital supplies, and contingent expenses connected therewith, the same being for use of the state militia, a sum not exceeding five hundred dollars.

Medical supplies.

For the reimbursement of cities and towns, for money paid on account of aid to Massachusetts volunteers and their families, a sum not exceeding five hundred and forty thousand dollars, the same to be payable on the first day of December, in the year eighteen hundred and seventy-three.

Reimbursement for state aid paid by cities and towns.

**Soldiers' bounties.** For the payment of bounties remaining due to Massachusetts soldiers, a sum not exceeding two thousand dollars.

**Quartermasters' supplies.** For quartermasters' supplies, a sum not exceeding nine thousand dollars.

**State aid.** For the payment of state aid as authorized in sundry special acts and resolves, a sum not exceeding two hundred dollars.

#### AGRICULTURAL.

**Bounties to societies.** For bounties to agricultural societies, a sum not exceeding seventeen thousand nine hundred and seventeen dollars.

**Personal expenses of members of board.** For the personal expenses of members of the board of agriculture, a sum not exceeding one thousand five hundred dollars.

**Secretary of the board.** For the travelling expenses of the secretary of the board of agriculture, all postages and necessary expenses, a sum not exceeding three hundred dollars.

**Incidental expenses.** For other incidental expenses of said board, a sum not exceeding two hundred dollars.

**Printing report.** For printing the report of the board of agriculture, a sum not exceeding ten thousand dollars.

#### MISCELLANEOUS.

**Distribution of proclamations by sheriffs.** To the sheriffs of the several counties, for distributing proclamations, blanks and making returns of votes, a sum not exceeding five hundred dollars.

**Books for state library.** For the purchase of books for the state library, two thousand three hundred dollars, to be expended under the direction of the trustees and librarian.

**Railroad commissioners.** For the compensation of experts or other agents, and for contingent expenses of the railroad commissioners, a sum not exceeding three thousand dollars.

**Commissioners on public lands.** For the compensation of the commissioners on public lands, a sum not exceeding three thousand five hundred dollars, and for contingent and incidental expenses of said commissioners, a sum not exceeding five hundred dollars; said sums to be paid from the moiety of the proceeds of sales applicable to improvements. And the residue of said moiety is hereby appropriated to be applied and used in accordance with the statutes.

**Harbor commissioners.** For the compensation and expenses of the harbor commissioners, a sum not exceeding eleven thousand seven hundred and fifty dollars.

For the compensation and expenses of the commissioners on fisheries, a sum not exceeding five thousand dollars.

Commissioners on fisheries.

For expenses of the board of health, a sum not exceeding five thousand dollars.

Board of health.

For expenses of the commissioner of corporations, a sum not exceeding seven hundred dollars.

Commissioner of corporations.

SECTION 2. This act shall take effect upon its passage.

*Approved March 3, 1873.*

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-EIGHT OF THE ACTS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

*Chap. 51.*

*Be it enacted, &c., as follows :*

SECTION 1. Chapter one hundred fifty-eight of the acts of one thousand eight hundred seventy-one, is amended by striking out section two, and substituting a new section, as follows :

Amendment to 1871, 158, § 2.

Said road commissioners, in matters concerning streets, ways, bridges, monuments at the termini and angles of roads, guide-posts, sidewalks, shade-trees, sewers and drains, shall exclusively have the powers and be subject to the duties, liabilities and penalties of selectmen and surveyors of highways.

SECTION 2. The said road commissioners shall have all the powers and privileges conferred upon selectmen in chapter three hundred and fourteen of the acts of the year eighteen hundred and seventy, in relation to moving buildings in public streets and highways.

Powers in relation to moving buildings, 1870, 314.

*Approved March 3, 1873.*

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE HOLYOKE WATER POWER COMPANY.

*Chap. 52.*

*Be it enacted, &c., as follows :*

SECTION 1. The doings of the Holyoke Water Power Company in the manufacture and sale of gas for illuminating purposes in the town of Holyoke, are ratified and confirmed so far as they do not affect the rights of persons or corporations.

Doings confirmed in relation to making gas, &c.

SECTION 2. The Holyoke Water Power Company may manufacture gas in the town of Holyoke, for the purpose of selling the same for light in said town ; with all the rights and privileges, and subject to all the restrictions of gas-light companies organized under general laws.

May make and sell gas in Holyoke.

SECTION 3. This act shall take effect upon its passage.

*Approved March 3, 1873.*

*Chap. 53.* AN ACT TO REPEAL CHAPTER ONE HUNDRED AND SEVEN OF THE ACTS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIFTY-TWO, RELATING TO THE SALE OF PARSONAGE PROPERTY IN THE PARISH OF WEST TISBURY.

*Be it enacted, &c., as follows :*

Repeal of 1852,  
107.

SECTION 1. Chapter one hundred and seven of the acts of the year one thousand eight hundred and fifty-two, entitled "An Act to authorize the sale of Parsonage Property in the Parish of West Tisbury," is repealed: *provided*, no right acquired under the same shall be affected by this act.

SECTION 2. This act shall take effect upon its passage.

*Approved March 5, 1873.*

*Chap. 54.* AN ACT TO AUTHORIZE OWEN BEARSE TO CONSTRUCT A WHARF IN QUINCY.

*Be it enacted, &c., as follows :*

May construct a  
wharf in  
Quincy.

SECTION 1. License is given to Owen Bearse to construct a wharf on the easterly side of Neponset River, at Squantum, in Quincy, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved March 7, 1873.*

*Chap. 55.* AN ACT TO INCORPORATE THE SOUTH FRAMINGHAM CAMP-MEETING ASSOCIATION.

*Be it enacted, &c., as follows :*

Corporators.

Name and  
purpose.

Powers and  
duties.

Real and per-  
sonal estate.

SECTION 1. William Clafin, Joseph H. Chadwick, and Eben Tourjée, their associates and successors, are made a corporation by the name of the South Framingham Camp-Meeting Association, to be located in the town of Framingham, for the purpose of maintaining annual religious meetings in said town; with the powers and privileges and subject to the restrictions, duties and liabilities set forth in the general laws which now are or may hereafter be in force and applicable to such corporations.

SECTION 2. Said corporation for the purposes named in the first section, may hold real and personal estate to an amount not exceeding one hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

*Approved March 7, 1873.*

*Chap. 56.* AN ACT TO AUTHORIZE JOHN F. DODGE AND OTHERS TO CONSTRUCT A WHARF IN QUINCY.

*Be it enacted, &c., as follows :*

May construct  
wharf in Quincy.

SECTION 1. License is given to John F. Dodge, George H. Burditt, F. B. Beaumont, George Clark,

junior, I. P. Clark and H. N. Holbrook, to construct a wharf on the easterly side of Neponset River, at Squantum, in Quincy; subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved March 7, 1873.*

AN ACT TO CHANGE THE NAME OF THE WELLESLEY FEMALE SEMINARY. *Chap. 57.*

*Be it enacted, &c., as follows:*

SECTION 1. The name of the Wellesley Female Sem- Name changed.  
inary is changed to Wellesley College.

SECTION 2. This act shall take effect upon its passage.

*Approved March 7, 1873.*

AN ACT CONCERNING THE WAIVER BY WIDOWS OF THE PROVISIONS MADE FOR THEM IN WILLS. *Chap. 58.*

*Be it enacted, &c., as follows:*

SECTION 1. When any legal proceeding is instituted, Time extended  
for waiver by  
widows of pro-  
visions made for  
them in wills.  
wherein the validity or effect of any will which has been proved and allowed is drawn in question, the probate court may within six months after the probate of such will, on petition of the testator's widow and after such notice as the court shall order, authorize such widow to file in the probate office within six months after the final determination of said legal proceeding, her waiver of the provisions of the will, and such waiver so filed shall have the same legal effect as if filed within six months after the probate of the will.

SECTION 2. This act shall take effect upon its passage.

*Approved March 7, 1873.*

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE NICKERSON'S WHARF COMPANY. *Chap. 59.*

*Be it enacted, &c., as follows:*

SECTION 1. The Nickerson's Wharf Company may May purchase  
wharf property  
and real estate  
in East Boston.  
purchase and hold in fee simple or otherwise, any wharf property and real estate adjoining the same in East Boston, subject to the provisions of chapter fifty-six of the acts of the year eighteen hundred and seventy: *provided*, Proviso.  
*however*, that nothing in this act shall be so construed as to authorize the said company to purchase any wharf property or real estate adjoining the same, while the sale thereof is forbidden by any injunction of the supreme judicial court of this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

*Approved March 8, 1873.*

**Chap. 60.** AN ACT TO AUTHORIZE JOB T. WILSON TO CONSTRUCT A WHARF IN FALL RIVER.

*Be it enacted, &c., as follows :*

May construct  
wharf in Fall  
River.

SECTION 1. License is given to Job T. Wilson to construct a wharf in Fall River, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved March 8, 1873.*

**Chap. 61.** AN ACT TO AUTHORIZE BARNABAS CLARK TO EXTEND HIS WHARF IN FALL RIVER.

*Be it enacted, &c., as follows :*

May construct  
wharf in Fall  
River.

SECTION 1. License is given to Barnabas Clark to extend his wharf in Fall River, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved March 8, 1873.*

**Chap. 62.** AN ACT TO AMEND THE CHARTER OF THE GLOUCESTER MUTUAL FISHING INSURANCE COMPANY.

*Be it enacted, &c., as follows :*

Amendment to  
1847, 36, § 1.

SECTION 1. The first section of the thirty-sixth chapter of the acts of the year eighteen hundred and forty-seven, is amended in the sixth line by striking out the word "fishing," and inserting in place thereof the word "Gloucester," and by inserting after the word "outfits" the words "and cargoes."

SECTION 2. This act shall take effect upon its passage.

*Approved March, 8, 1873.*

**Chap. 63.** AN ACT TO EXTEND THE CHARTER OF THE CITIZENS' MUTUAL INSURANCE COMPANY IN THE TOWN OF BRIGHTON.

*Be it enacted, &c., as follows :*

Charter  
extended.

SECTION 1. The act of the year one thousand eight hundred and forty-six incorporating the Citizens' Mutual Insurance Company in the town of Brighton, shall continue in force, and said company shall continue to be a corporation, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the General Statutes relating to such corporations, after the expiration of its present charter, in all respects as if the act incorporating said company had contained no limitation of time.

Real estate.

SECTION 2. Said corporation may, for its own use,



purchase and hold real estate to an amount not exceeding fifty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

*Approved March 8, 1873.*

AN ACT TO INCREASE THE CAPITAL STOCK OF THE UNION HALL ASSOCIATION. *Chap. 64.*

*Be it enacted, &c., as follows :*

SECTION 1. The Union Hall Association, at such times and by such amounts as the stockholders shall determine, may increase its capital stock, but the whole amount of said stock shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of the par value of one hundred dollars. May increase capital stock.

SECTION 2. This act shall take effect upon its passage.

*Approved March 8, 1873.*

AN ACT TO INCORPORATE THE QUINCY POINT STREET RAILWAY COMPANY. *Chap. 65.*

*Be it enacted, &c., as follows :*

SECTION 1. Lemuel Baxter, John Federhen, H. Farnam Smith and George F. Pinkham, their associates and successors, are made a corporation, under the name of the Quincy Point Street Railway Company ; with authority to construct, maintain and use a street railway, with single or double tracks, commencing at or near the stone meeting-house in Quincy, and running thence to that part of said Quincy known as Quincy Point, a distance of about two miles. Corporators.  
Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed thirty thousand dollars. Capital stock.

SECTION 3. This act shall take effect upon its passage.

*Approved March 8, 1873.*

AN ACT TO INCORPORATE THE EAST BOSTON RAILROAD COMPANY. *Chap. 66.*

*Be it enacted, &c., as follows :*

SECTION 1. Edward G. Nickerson, Sereno D. Nickerson, Ellis W. Morton, Charles W. Galloupe and Isaac Pratt, junior, their associates and successors, are made a corporation by the name of the East Boston Railroad Company ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force relating to street railroad corporations, and in respect to matters not therein provided for the said corporation shall be subject to the general laws applicable to other railroad corporations. Corporators.  
Powers and duties.

May construct  
railroad over  
public streets,  
&c., in East  
Boston as board  
of aldermen may  
determine.

For conveyance  
of freight only.

Side tracks to  
the wharves.

May connect  
with tracks of  
other railroads.

Cars to be drawn  
by horse power.

May fix and col-  
lect tolls.

Proviso.

SECTION 2. Said corporation may locate and construct upon and over such public streets now existing and hereafter to be laid out in that part of Boston called East Boston as the board of aldermen of the city of Boston may from time to time determine, and upon and over such land as may be necessary to connect said streets, a street railroad for public use in the conveyance of freight only, and may maintain and operate the same, with convenient single or double tracks, with suitable turnouts, and with such other tracks as said board of aldermen may from time to time permit; the rails for such tracks to be of such pattern as said board of aldermen may prescribe, and to be suitable for railway freight cars in common use. Said corporation shall have the right also to construct, use and maintain side tracks from its main tracks to any wharf or wharves or warehouses in East Boston when requested, in writing, so to do, by a majority in interest of the owners or occupants of such wharves or warehouses: *provided, however*, that no side track shall be laid upon a public street to any wharf or warehouse without the approval of said board of aldermen.

SECTION 3. Said corporation may, in the manner prescribed by said board of aldermen, connect its tracks with the tracks of any railroad corporation in that part of Boston called East Boston, and every such railroad corporation is empowered to make such connections, and in making such connections said railroad corporations shall have all the powers and be subject to all the duties and liabilities set forth in all general laws which now are or hereafter may be in force relating to railroad corporations; and it shall be the duty of said East Boston Railroad Company to receive and deliver freight cars at its connections, and to haul the same over its road at its established rates. The cars on said road shall be drawn by horse-power, but steam or other power may be used if sanctioned by said board of aldermen, and under such regulations as they may prescribe.

SECTION 4. Said corporation shall have the power to fix and collect such tolls, for the transportation of freight, as they may from time to time deem expedient: *provided*, that said rates shall only be sufficient to pay the reasonable and necessary expenses of said corporation, and to pay a dividend of five per cent. semi-annually upon the actual cost of the construction and equipment of the road.

SECTION 5. Said corporation, by consent of said board of aldermen, may, within its authorized limits, and for the purposes of this act, enter upon and use any part of the tracks of any street railroad company, and may suitably strengthen and improve such tracks; and if the corporations cannot agree upon the manner and conditions of such entry and use, or the compensation to be paid therefor, the same shall be determined in accordance with the provisions of the general laws relating to street railway corporations.

May enter upon and use tracks of other railroads with consent of mayor and aldermen.

SECTION 6. The capital stock of said corporation shall not exceed the sum of two hundred thousand dollars.

Capital stock.

SECTION 7. The board of railroad commissioners may, at their discretion, extend the time allowed by law for building said railroad for a further period, not exceeding one year, on sufficient cause shown.

Time for building road may be extended.

SECTION 8. This act shall take effect upon its passage.

*Approved March 8, 1873.*

AN ACT TO PROVIDE FOR A SINKING FUND FOR THE PAYMENT OF  
THE CITY OF LOWELL WATER LOAN BONDS.

*Chap. 67.*

*Be it enacted, &c., as follows:*

SECTION 1. The city of Lowell may appropriate and raise by taxation, annually, such a sum of money as shall be deemed expedient by the city council of said city, for paying the city of Lowell water loan bonds, in the same manner as money is appropriated and assessed for other city purposes; and said sum so raised from year to year shall be set apart and held as a sinking fund, which, with the accumulated interest thereon, shall be devoted and applied solely toward the redemption and payment of said bonds. Said fund shall be invested and managed in such manner as said city council may by ordinance provide.

May raise money by annual taxation to pay water loan bonds.

To be set apart as a sinking fund.

SECTION 2. This act shall take effect upon its passage.

*Approved March 8, 1873.*

AN ACT TO AUTHORIZE THE TOWN OF EVERETT TO CHOOSE A BOARD  
OF WATER COMMISSIONERS.

*Chap. 68.*

*Be it enacted, &c., as follows:*

SECTION 1. The town of Everett shall at its next annual meeting choose by ballot, a board of three water commissioners, one of whom shall be elected to serve for one year, one for two years, and one for three years; and annually thereafter said town shall choose by ballot one member of said board to serve for three years, and may also by ballot fill any vacancies which may occur.

Water commissioners to be chosen.

To superintend construction of works, and establish water rates.

SECTION 2. Said board shall superintend and make rules and regulations in regard to the construction and maintenance of such pipes, aqueducts and structures as are authorized by chapter two hundred and five of the acts of eighteen hundred and seventy-one, but said town may establish the prices or rents to be paid for the use of the water.

Repeal of 1871, 203, § 3.

SECTION 3. Section three of chapter two hundred and five of the acts of eighteen hundred and seventy-one is repealed.

SECTION 4. This act shall take effect upon its passage.

*Approved March 8, 1873.*

### Chap. 69.

AN ACT TO INCORPORATE THE CENTRAL CLUB OF BOSTON.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Alexander H. Rice, Charles G. Greene, Samuel D. Crane, their associates and successors are made a corporation by the name of The Central Club of Boston, for the purpose of maintaining a reading-room, and for other lawful purposes ; with the powers and privileges, and subject to the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force and applicable to such corporations.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real and personal estate to an amount not exceeding one hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

*Approved March 8, 1873.*

### Chap. 70.

AN ACT TO INCORPORATE THE BOSTON STEAM SUPPLY COMPANY.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Joseph Sawyer, Sewall H. Fessenden, John G. Webster, John A. Coleman, Ellsworth Torrey, their associates and successors, are made a corporation by the name of the Boston Steam Supply Company, for the purpose of supplying steam in the city of Boston ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or may hereafter be in force, relating to such corporations.

Name and purpose.

Powers and duties.

Real estate.

SECTION 2. Said corporation may, for the purpose aforesaid, at any time within two years, acquire and hold real estate not exceeding in value, five hundred thousand dollars, and the capital stock shall not exceed one million dollars, divided into shares of the par value of one hundred dollars.

Capital stock and shares.

SECTION 3. The said corporation, with the consent of the board of aldermen of said city, may dig up and open the ground in any of the public streets, lanes and highways in said city for the purpose of sinking and repairing such pipes and conductors as may be necessary and proper to accomplish the purposes specified in the first section; but such consent shall not affect the right or remedy to recover damages for any injury caused to persons or property by the doings of such corporation. Said corporation shall put all such streets, lanes and highways which are opened, into as good repair as they were in, prior to such opening, and upon failure so to do, within a reasonable time, shall be deemed guilty of a nuisance. The board of aldermen of said city shall, at all times, have power to regulate, restrain and control all acts of the said corporation which may in any manner affect the health, safety, convenience or property of the inhabitants of said city.

May dig up streets for sinking pipes with consent of mayor and aldermen.

SECTION 4. This act shall take effect upon its passage.

*Approved March 8, 1873.*

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AN ACT TO AMEND THE CHARTER OF THE TURNER'S FALLS LAND AND IMPROVEMENT COMPANY.

*Chap. 71.*

*Be it enacted, &c., as follows:*

SECTION 1. Section one of chapter one hundred and eight of the acts of the year eighteen hundred and sixty-nine is amended by striking out the word fifteen and inserting in place thereof the word fifty.

Amendment to 1869, 108, § 1.

SECTION 2. This act shall take effect upon its passage.

*Approved March 8, 1873.*

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AN ACT TO INCREASE THE CAPITAL STOCK AND CHANGE THE PAR VALUE OF THE SHARES OF THE FREEMASONS' HALL ASSOCIATION IN HAVERHILL.

*Chap. 72.*

*Be it enacted, &c., as follows:*

SECTION 1. The Freemasons' Hall Association in Haverhill, at such times and by such amounts as the stockholders shall determine, may increase its capital stock; but the whole amount of said stock shall not exceed one hundred thousand dollars, and shall be divided into shares of the par value of fifty dollars.

May increase capital stock.

SECTION 2. This act shall take effect upon its passage.

*Approved March 8, 1873.*

**Chap. 73.** AN ACT FOR THE BETTER PROTECTION OF PERSONS EMPLOYED IN THE STATE PRISON.*Be it enacted, &c., as follows :*Amendment to  
G. S. 179, § 53.

SECTION 1. Section fifty-three of chapter one hundred and seventy-nine of the General Statutes is amended by striking out the words "government or custody of the."

SECTION 2. This act shall take effect upon its passage.

*Approved March 8, 1873.***Chap. 74.** AN ACT TO INCORPORATE THE TREMONT MARKET COMPANY.*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Ezra D. Winslow, Franklin Haskins, William C. Greene, their associates and successors, are made a corporation by the name of the Tremont Market Company, for the purpose of purchasing and maintaining a building situated on Tremont Street in Boston, to be used for a market, and with authority to let any portion of such building not so used, for any lawful purpose.

Name and pur-  
pose.Capital stock  
and shares.

SECTION 2. The capital stock of said corporation shall not exceed three hundred thousand dollars, and shall be divided into shares of the par value of one hundred dollars.

Real estate.

SECTION 3. Said corporation may hold such real estate as may be necessary for the transaction of its business, not exceeding in value the amount of capital actually paid in in cash: *provided, however*, that no liability shall be incurred until the sum of one hundred thousand dollars of its capital stock has been so paid in.

No liability to be  
incurred until  
\$100,000 paid in.

SECTION 4. This act shall take effect upon its passage.

*Approved March 12, 1873.***Chap. 75.** AN ACT TO AMEND AN ACT TO SUPPLY THE CITY OF SPRINGFIELD WITH WATER.*Be it enacted, &c., as follows :*Springfield may  
take water from  
brooks in Lud-  
low.  
1872, 345, § 1.

SECTION 1. In addition to the sources of water-supply named in section one of chapter three hundred and forty-five of the acts of eighteen hundred and seventy-two, the city of Springfield may, in accordance with the provisions of said act, take, hold and convey from Higher Brook and Broad Brook, so called, in the town of Ludlow, through Ludlow, Wilbraham and Springfield, sufficient water for the purposes mentioned in said act and the acts in addition thereto.

May make reser-  
voirs for collect-  
ing and storing  
water.

SECTION 2. The city of Springfield, by and through its board of water commissioners, if said board shall deem it expedient, may, for the purpose of collecting and stor-

ing water and equalizing the flow of water in the Chicopee River, make and maintain, upon or near said river or the streams flowing into the same, any reservoirs, dams or other suitable structures, and may take and hold, by purchase or otherwise, such real estate, water, water-rights or easements as may be necessary or convenient for that purpose; and said city may unite and agree with other parties interested in the water of said river in making and maintaining suitable works and structures for their joint use and benefit.

May unite with other parties in making structures for joint use.

SECTION 3. Said city of Springfield shall pay all damages to which any persons or corporations are entitled by reason of the taking of any lands, water or water-rights, or by the construction or repairing of any dams, aqueducts or other works connected with its water-supply. In estimating such damages, allowances shall be made for any advantage which such persons or corporations may receive from the water supplied by means of compensating dams and reservoirs as herein provided.

Liability for damages.

If any persons or corporations sustaining damages as aforesaid cannot agree with said city upon the amount of such damages, they may have them appraised by the county commissioners for the county of Hampden, by making a written application therefor within one year after sustaining such damages; and either party aggrieved by the doings of said commissioners in the estimation of said damages, may have the same settled by a jury; and if the damages are increased by the jury, the city shall pay all legal costs; but otherwise, the said costs shall be paid by the party claiming damages; and the said commissioners and jury shall have the same powers, and the proceedings shall in all respects be conducted in the manner provided in the case of taking land for highways. If any persons or corporations suffer damage by reason of the failure of said city at any time to maintain the compensating dams and reservoirs originally provided, they may, upon application to the county commissioners, have a new appraisal of damages, subject to a like appeal to a jury.

Parties dissatisfied may have a trial by jury.

SECTION 4. In case the Chicopee River, or any of its branches is selected as the source of water-supply for the city of Springfield, said city, with the written consent of the selectmen of Chicopee, duly authorized thereto, by a vote of the town, at a meeting called for that purpose, may supply the villages of Chicopee and Chicopee Falls, or

May supply Chicopee and Chicopee Falls if water is taken from Chicopee River.

either of them, with water, upon such terms and conditions as may be agreed upon by and between the water commissioners of said city and the selectmen of said town; and for that purpose may take and hold real estate necessary therefor, and extend its pipes, and with such consent, dig up and open any street or way in said town for placing and maintaining such pipes and aqueducts as may be necessary for the purposes set forth in this section.

Vacancy in board of commissioners to be filled by city council.

SECTION 5. In case a vacancy at any time exists in the board of water commissioners of said city of Springfield, by reason of death, resignation or otherwise, a citizen of Springfield shall be elected by a joint vote of the city council of said city to fill such vacancy.

Powers granted in 1872, 345, § 6, to be exercised by city council.

SECTION 6. The rights, power and authority granted in section six of chapter three hundred and forty-five of the acts of eighteen hundred and seventy-two, shall be exercised by the city council of the city of Springfield, and not by the board of water commissioners; and all moneys expended and liabilities incurred under authority of said chapter and of this act, shall be paid from the city treasury upon proper vouchers, approved by said board of water commissioners. The income and receipts from rents for the use of water, shall be paid by the water commissioners, from time to time, and as often as once in six months, into the city treasury, and the surplus thereof, after paying all necessary expenses of maintaining the aqueduct and conducting the business, shall be used for the same purposes as provided in section seven of said chapter. The sinking fund created by said section shall be held by three trustees, to be chosen by the city council at such times and for such terms as said city council may determine, and said trustees shall annually, and as often as said city council shall require, render an account of all their doings in relation to said fund.

Income, &c., from rents to be paid into city treasury.

Sinking fund to be held by trustees.

Repeal.

SECTION 7. All acts and parts of acts inconsistent herewith, are repealed.

SECTION 8. This act shall take effect upon its passage.

*Approved March 14, 1873.*

## Chap. 76.

AN ACT TO SUPPLY THE TOWN OF NATICK WITH PURE WATER.  
*Be it enacted, &c., as follows:*

Natick may be supplied with pure water from Dug Pond.

SECTION 1. The town of Natick may take, hold and convey into and through said town, from Dug Pond, at any convenient point upon the same, within said town, sufficient water for the use of said town and inhabitants,



for the extinguishment of fires, and for domestic purposes ; and may also take and hold by purchase or otherwise, any lands or real estate necessary for laying and maintaining aqueducts or pipes, constructing or maintaining reservoirs and such other works as may be deemed necessary or proper for raising, forcing, retaining, distributing, discharging or disposing of said water.

SECTION 2. The town of Natick, within sixty days from the time it takes any lands for the purposes specified in this act, shall file in the registry of deeds of the county and district in which such lands lie, a description of the lands so taken as certain as is required in a common conveyance of lands, and a statement of the purposes for which they were taken, which description and statement shall be signed by a majority of the selectmen of said town.

To file in registry of deeds description of land taken.

SECTION 3. The said town may make, build and lay down aqueducts and pipes from said pond to, into, through and about said town, and secure and maintain the same by any works suitable therefor ; may erect and maintain dams to raise and retain the water taken ; may construct and maintain reservoirs within or without said town ; and may make, erect, maintain, and carry on such other works as may be necessary or proper for raising the water into such reservoirs, and for forcing and distributing it through and about said town ; may make and establish such public hydrants and fountains in such places in said town as may, from time to time, be deemed proper, and prescribe the purposes for which the same may be used, and may change or discontinue the same ; may distribute the water throughout said town, and for this purpose may lay down pipes to any house or building in said town, the owner or owners thereof having notice and not objecting thereto ; may regulate the use of said water, and establish, receive and collect the prices or rents to be paid therefor ; and said town may, for the purposes aforesaid, conduct and maintain any aqueducts, pipes or other works, over, under, through or across any water-course, street, bridge, railroad, highway or other way, in such a manner as not to obstruct the travel or free use thereof ; may enter upon and dig up any such road, street or way for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and in general may do any other acts and things necessary or convenient and proper for carrying out the purposes of this act.

May build aqueducts, erect dams and reservoirs and regulate use of water.

Right to be exercised by water commissioners.

SECTION 4. The rights and powers given to said town by this act, shall be exercised by it subject to the restrictions, duties and liabilities herein contained, in such manner and by such commissioners, officers and agents as said town shall from time to time choose, appoint and direct. Such commissioners, officers or agents shall be subject to such ordinances, rules and regulations in the execution of their trust as said town may from time to time ordain and establish, provided, the same are not inconsistent with the provisions of this act and the laws of the Commonwealth.

"Natick Water Scrip" may be issued not exceeding \$200,000 at seven per cent. interest.

SECTION 5. For the purpose of defraying the expenses which may be incurred under the provisions of this act, the town of Natick, through its treasurer, may, from time to time, issue notes, scrip or certificates of debt, to be denominated on the face thereof Natick Water Scrip, to an amount not exceeding two hundred thousand dollars, bearing interest not exceeding seven per centum per annum, payable semi-annually; and the principal being payable at periods not more than thirty years from the issuing of said notes, scrip or certificates respectively. Said treasurer, under the authority of said town, may sell such notes, scrip or certificates, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions, as he may deem proper, or as may be prescribed by the town. Said town may further make appropriations and assess, from time to time, amounts, not exceeding in one year the sum of five thousand dollars, towards payment of the principal of the money borrowed as above, and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

Liability for damages.

SECTION 6. Said town of Natick shall pay all damages to which any persons or corporations are entitled, by reason of the taking of any lands, water, or water-rights, or by the construction or repairing of any dams, aqueducts, or other works, for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, they may have them assessed by the county commissioners for the county of Middlesex by making a written application therefor within one year after sustaining such damages; and either party aggrieved by the doings of said commissioners in the estimation of said damages, may have the same settled by a jury; and if the damages are in-

Parties dissatisfied may have trial by jury.

creased by the jury, the town shall pay all legal costs; but otherwise, the said costs shall be paid by the party claiming damages; and the said commissioners and jury shall have the same powers, and the proceedings shall in all other respects be conducted in the same manner, as provided in case of taking land for highways.

SECTION 7. Said town may also, for the purpose of collecting water and supplying the same to said pond, make and maintain, upon or near said pond, or the streams flowing into the same, any reservoirs, dams or other suitable structures, and may take and hold, by purchase or otherwise, such real estate, water, water-rights or easements as may be necessary or convenient for that purpose.

May make reservoirs for collecting water.

SECTION 8. If any person shall use any water taken under this act without the consent of said town, or shall wantonly or maliciously divert the water, or any part thereof, taken or held by said town, pursuant to the provisions of this act, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said town under the authority of and for the purposes of this act, he shall forfeit and pay to said town three times the amount of damage assessed therefor, to be recovered in an action of tort, and on conviction of either of the wanton or malicious acts aforesaid, may be also punished by fine not exceeding three hundred dollars, or by imprisonment in the house of correction not exceeding one year.

Penalty for unlawfully using water, wantonly diverting the same or rendering it impure.

SECTION 9. The occupant of any tenement shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable, if, on being notified of such use, he does not object thereto.

Occupant and owner of tenement liable for water rent.

SECTION 10. The water taken under this act shall not be used in any way as a motive-power, except for generating steam.

Water may be used to generate steam.

SECTION 11. Nothing in this act shall be construed to affect any existing right of said town to draw water from said pond.

Existing rights not affected.

SECTION 12. This act shall take effect upon its passage, and shall become void unless accepted by a majority of the legal voters of said town, present and voting thereon, at a legal meeting held within two years from the passage of this act.

Subject to acceptance by voters of the town.

*Approved March 15, 1873.*

*Chap. 77.* AN ACT TO SUPPLY THE TOWN OF WESTBOROUGH WITH PURE WATER.  
*Be it enacted, &c., as follows:*

Westborough  
may be supplied  
with pure water.

SECTION 1. The town of Westborough may supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses; may establish public fountains and hydrants; regulate their use, and discontinue the same, and may fix and collect rents for the use of such water.

May take water  
from water-  
sources within  
its limits.

SECTION 2. Said town, for the purposes aforesaid, may take and hold the waters of such ponds and natural water-sources within its own limits as will give a sufficient supply of water; and may also take and hold all necessary land for raising, holding and preserving such water and conveying the same to any and all parts of said town; and may erect thereon proper dams, buildings, fixtures and other structures, and make excavations and procure and run machinery therefor; and for that purpose may construct and lay down conduits, pipes and other works under or over any water-course or railroad, and along any street, highway or other way in such a manner as when completed not to obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and other works, and for all other proper purposes of this act, may dig up any such street, highway or other way: *provided*, that within sixty days after the time of taking any land or water-sources as aforesaid, said town shall file in the registry of deeds for the county of Worcester a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken.

May erect dams,  
lay down pipes,  
&c.

Liability for  
damages.

SECTION 3. Said town shall be liable to pay all damages sustained by any persons in their property, by the taking of any land, water, water-sources or water-rights, or by the construction of any aqueducts, reservoirs or other works, for the purposes aforesaid. If any person sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, he may have them assessed by the county commissioners for the county of Worcester, by making a written application therefor within three years after the taking of such land or water-sources or other injury done as aforesaid, under this act; and if either party be aggrieved by the doings of said commissioners in the estimation of said damages, he or they may have said damages settled by a jury, and said commissioners and jury shall have the same powers and the proceedings in all

Parties  
aggrieved may  
have trial by  
jury.

respects shall be conducted in the same manner as is provided by law with respect to damages for land taken for highways.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town may issue bonds signed by its treasurer and denominated "Westborough Water Bonds," to an amount not exceeding five per centum of its valuation, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually, at a rate not exceeding seven per centum per annum; and said town may sell said bonds at public or private sale, upon such terms and conditions as it may deem proper; and may raise money by taxation to pay said bonds and interest, when due; but said town shall not raise more than five thousand dollars in any one year to pay the principal of said bonds, except the year on which the same may become due; and all money raised for the purpose of paying said principal before the same is due, shall be held and invested by said town as a sinking fund for the payment of such principal.

"Westborough Water Bonds" may be issued not exceeding town valuation.

SECTION 5. Three persons to be elected by ballot by the inhabitants of said town as hereinafter provided shall form a board of water commissioners, who shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted and not otherwise specifically provided for herein, subject to the vote of the town. At any meeting of the inhabitants of said town called for the purpose, one of said board of water commissioners shall be elected for a term of one year, one for a term of two years, and one for a term of three years; but if chosen at any special meeting of the inhabitants of said town, the terms of the several commissioners shall expire in one, two, and three years, from the next succeeding annual town-meeting; after which first election one member of said board, as the term expires, shall be elected at the annual town-meeting for the term of three years. Said commissioners shall receive such compensation or salaries as said town by vote may prescribe; and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

Rights to be exercised by water commissioners.

Penalty for diverting water or rendering it impure.

SECTION 6. Any person who shall maliciously divert the water, or any part thereof, taken and used under the provisions of this act, or who shall maliciously corrupt the same or render it impure, or who shall maliciously destroy or injure any dam, aqueduct, pipe or hydrant, or other property, real or personal, held, owned or used by said town for the purposes of this act, shall pay three times the actual damages to said town, to be recovered by an action of tort; and every such person on conviction of either of the malicious acts aforesaid shall be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

SECTION 7. This act shall take effect upon its passage.

*Approved March 15, 1873.*

*Chap. 78.*

AN ACT TO AUTHORIZE THE TOWN OF WOBURN TO ISSUE ADDITIONAL WATER BONDS.

*Be it enacted, &c., as follows :*

May issue \$100,000 additional "Water Scrip." 1871, 307, § 6.

SECTION 1. The town of Woburn, for the purposes mentioned in the sixth section of chapter three hundred and seven of the acts of the year eighteen hundred and seventy-one, may issue bonds to an amount not exceeding one hundred thousand dollars, in addition to the amount therein authorized, to be issued upon like terms and conditions and with like powers in all respects, as are provided in said act for the issue of bonds of said town.

SECTION 2. This act shall take effect upon its passage.

*Approved March 15, 1873.*

*Chap. 79.*

AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD COMPANY TO CONSTRUCT A WHARF IN SOMERVILLE.

*Be it enacted, &c., as follows :*

Boston & Maine Railroad may construct wharf in Somerville.

SECTION 1. License is granted to the Boston and Maine Railroad Company to build a wharf in Somerville, on the southerly side of Mystic River, on the easterly side of its bridge, and north-westerly from the Eastern Railroad bridge, and within a line drawn from a point on the easterly side of said Eastern Railroad bridge, distant three hundred and seventy-five feet north-easterly from the north-easterly corner of the solid abutment of the last-named bridge, on the southerly side of the channel, and running north-westerly in a straight line to a point on the easterly side of the Boston and Maine Railroad bridge, distant six hundred and twenty-five feet northerly from the north-easterly corner of the solid abutment of the last-named bridge, on the southerly side of the channel, subject to the

provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. The Boston and Maine Railroad Company shall pay into the treasury of the state for any land or flats covered by said wharf, belonging to the Commonwealth, such reasonable and proper sum as the governor and council may determine; *provided*, that the harbor commissioners shall, in the approval of plans for said wharf, require to be made a sufficient passage-way for sewerage and surface water across the same in continuation of the culvert under said Boston and Maine Railroad.

To pay for land or flats belonging to the state.

Proviso.

SECTION 3. This act shall take effect upon its passage.

*Approved March 15, 1873.*

AN ACT TO CONFIRM THE LOCATION OF THE BOSTON, CLINTON AND FITCHBURG RAILROAD IN THE TOWN OF FRAMINGHAM.

*Chap. 80.*

*Be it enacted, &c., as follows:*

SECTION 1. The location of a portion of the Boston, Clinton and Fitchburg Railroad in the town of Framingham, filed by the directors of said railroad company on the third day of August, in the year eighteen hundred and seventy-two, with the county commissioners of the county of Middlesex, is ratified and confirmed to all intents and purposes, as the legal location of said portion of said road.

Location confirmed and ratified.

SECTION 2. This act shall take effect upon its passage.

*Approved March 15, 1873.*

AN ACT RELATING TO THE TYNGSBOROUGH AND BROOKLINE RAILROAD COMPANY.

*Chap. 81.*

*Be it enacted, &c., as follows:*

SECTION 1. The times allowed for the location and construction of the Tyngsborough and Brookline Railroad, as set forth in section eight, of chapter one hundred and seventy-six of the acts of the year eighteen hundred and seventy-one, are extended two years.

Time for location and construction extended.

SECTION 2. This act shall take effect upon its passage.

*Approved March 15, 1873.*

AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE FRAMINGHAM AND LOWELL RAILROAD.

*Chap. 82.*

*Be it enacted, &c., as follows:*

SECTION 1. The time for locating and constructing the Framingham and Lowell Railroad is extended to the first day of July, in the year eighteen hundred and seventy-four.

Time for location and construction extended.

Not authorized  
to take addi-  
tional land from  
Fitchburg Rail-  
road.

SECTION 2. Nothing herein contained shall continue or extend the power of said company to take or occupy, or authorize it to take or occupy any land now owned by the Fitchburg Railroad Company, or included in its location, not already taken or located upon by said Framingham and Lowell Railroad Company.

SECTION 3. This act shall take effect upon its passage.

*Approved March 15, 1873.*

**Chap. 83.** AN ACT TO AUTHORIZE THE WORCESTER MUTUAL FIRE INSURANCE COMPANY TO HOLD REAL ESTATE.

*Be it enacted, &c., as follows:*

May hold real  
estate not ex-  
ceeding 25 per  
cent. of cash  
assets.

SECTION 1. The Worcester Mutual Fire Insurance Company may purchase and hold real estate in the city of Worcester, to an amount not exceeding twenty-five per centum of its cash assets, to be used wholly or in part, for the business purposes of the company.

SECTION 2. This act shall take effect upon its passage.

*Approved March 15, 1873.*

**Chap. 84.** AN ACT TO EXTEND THE CHARTER OF THE SOUTH DANVERS MUTUAL FIRE INSURANCE COMPANY.

*Be it enacted, &c., as follows:*

Charter  
extended.

SECTION 1. The charter of the South Danvers Mutual Fire Insurance Company is amended by striking out the words limiting its duration; and said corporation shall continue in existence with the powers and privileges, and subject to the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force and applicable to such corporations.

SECTION 2. This act shall take effect upon its passage.

*Approved March 15, 1873.*

**Chap. 85.** AN ACT TO EXTEND THE CHARTER OF THE ANNISQUAM MUTUAL FIRE INSURANCE COMPANY.

*Be it enacted, &c., as follows:*

Charter  
extended.

SECTION 1. The charter of the Annisquam Mutual Fire Insurance Company is amended by striking out the words limiting its duration; and said corporation shall continue in existence with the powers and privileges, and subject to the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force and applicable to such corporations.

SECTION 2. This act shall take effect upon its passage.

*Approved March 15, 1873.*



## AN ACT TO EXTEND THE CHARTER OF THE CITY MUTUAL FIRE INSURANCE COMPANY.

Chap. 86.

*Be it enacted, &c., as follows:*

SECTION 1. The charter of the "City Mutual Fire Insurance Company," established in the city of Roxbury, is amended by striking out the words limiting its duration; and said corporation shall continue in existence with the powers and privileges and subject to the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force and applicable to such corporations.

Charter extended.

SECTION 2. This act shall take effect upon its passage.

*Approved March 15, 1873.*

## AN ACT TO EXTEND THE CHARTER OF THE MERRIMACK MUTUAL FIRE INSURANCE COMPANY.

Chap. 87.

*Be it enacted, &c., as follows:*

SECTION 1. The charter of the Merrimack Mutual Fire Insurance Company is amended by striking out the words limiting its duration; and said corporation shall continue in existence, with the powers and privileges and subject to the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force and applicable to such corporation.

Charter extended.

SECTION 2. This act shall take effect upon its passage.

*Approved March 15, 1873.*

## AN ACT TO INCREASE THE SALARY OF THE SHERIFF OF THE COUNTY OF WORCESTER.

Chap. 88.

*Be it enacted, &c., as follows:*

SECTION 1. From the first day of January of the present year, the sheriff of the county of Worcester shall receive, in quarterly payments, an annual salary of twenty-five hundred dollars.

Salary fixed at \$2,500 a year.

SECTION 2. This act shall take effect upon its passage.

*Approved March 15, 1873.*

## AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT DISTRICT-ATTORNEY FOR THE SUFFOLK DISTRICT.

Chap. 89.

*Be it enacted, &c., as follows:*

SECTION 1. From the first day of January of the present year, the salary of the assistant district-attorney for the Suffolk district, shall be at the rate of three thousand dollars a year, to be paid to him out of the treasury, in monthly payments.

Salary fixed at \$3,000 a year.

SECTION 2. This act shall take effect upon its passage.

*Approved March 15, 1873.*

**Chap. 90.** AN ACT TO FIX THE SALARY OF THE TREASURER OF THE COUNTY OF BRISTOL.

*Be it enacted, &c., as follows:*

Salary fixed at  
\$1,500 a year.

SECTION 1. From the first day of January of the present year, the treasurer of the county of Bristol shall receive, in quarterly payments, an annual salary of fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved March 15, 1873.*

**Chap. 91.** AN ACT ALLOWING THE FALL RIVER ORPHAN ASYLUM AND THE CHILDREN'S FRIEND SOCIETY TO UNITE UNDER THE NAME OF THE CHILDREN'S HOME OF FALL RIVER.

*Be it enacted, &c., as follows:*

Societies may  
unite and be one  
corporation  
under name of  
Children's  
Home of Fall  
River.

SECTION 1. The Fall River Orphan Asylum and the Children's Friend Society, both of Fall River, may unite at such time and on such terms as may be mutually agreed upon; and when thus united said corporations shall constitute one corporation, under the name of the Children's Home of Fall River: *provided, however*, that the terms of such union shall be approved by each corporation by a majority of the members present and voting at meetings duly called for that purpose at which a quorum shall be represented.

Proviso.

First meeting of  
corporation.

SECTION 2. The first meeting of the corporation formed by the union aforesaid, shall be called in such manner as may be agreed upon by the corporations aforesaid previous to the union, or in the mode provided for calling the first meetings of corporations organized under the General Statutes: and the corporation formed as aforesaid shall have, hold, possess and enjoy all the powers, privileges, rights, franchises, property and estates which at the time of such union may be held and enjoyed by each of the corporations so united, and shall be subject to all the duties, liabilities and restrictions to which each may at that time be subject.

Powers and  
duties.

SECTION 3. This act shall take effect upon its passage.

*Approved March 15, 1873.*

**Chap. 92.** AN ACT TO INCORPORATE THE MIDDLEBOROUGH SAVINGS BANK.

*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. Everett Robinson, Noah C. Perkins, Abner L. Westgate, their associates and successors, are made a corporation by the name of the Middleborough Savings Bank, to be located in the town of Middleborough; with the powers and privileges, and subject to the duties,

Name.

restrictions and liabilities set forth in the general laws, which now are or may hereafter be in force and applicable to such corporations.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

*Approved March 15, 1873.*

AN ACT AUTHORIZING THE TOWN OF EDGARTOWN TO PURCHASE THE FRANCHISE OF THE PROPRIETORS OF MATTAKEESETT CREEKS.

*Chap. 93.*

*Be it enacted, &c., as follows:*

SECTION 1. The town of Edgartown may purchase the franchise of the proprietors of the Mattakeesett Creeks.

May purchase franchise of the Proprietors of the Mattakeesett Creeks.  
Repeal of 1863, 150.  
When to take effect.

SECTION 2. Chapter one hundred and fifty of the acts of the year eighteen hundred and sixty-three is repealed.

SECTION 3. The first section of this act shall take effect upon its passage; and the second section shall take effect whenever the purchase provided for in the first section is completed and a certificate thereof filed in the office of the secretary of the Commonwealth.

*Approved March 15, 1873.*

AN ACT IN RELATION TO THE REPORTS OF THE INSPECTORS OF THE STATE PRISON.

*Chap. 94.*

*Be it enacted, &c., as follows:*

The report of the inspectors of the state prison to the governor and council, required by chapter three hundred and three of the acts of the year eighteen hundred and sixty-four, shall hereafter be submitted to the secretary of the Commonwealth on or before the fifteenth day of October, annually.

Report to be submitted on or before Oct. 15th.

*Approved March 15, 1873.*

AN ACT TO ENABLE TOWNS TO ABOLISH THE SCHOOL DISTRICT SYSTEM.

*Chap. 95.*

*Be it enacted, &c., as follows:*

SECTION 1. Any town in which the school district system now exists, may abolish the same, by vote, at a town meeting, called for the purpose; and such town shall thereafter be subject to the provisions of chapters one hundred and ten and four hundred and twenty-three of the acts of eighteen hundred and sixty-nine.

Town may abolish school district system.

SECTION 2. This act shall take effect upon its passage.

*Approved March 15, 1873.*

AN ACT CONCERNING THE WORCESTER AND SHREWSBURY RAILROAD COMPANY.

*Chap. 96.*

*Be it enacted, &c., as follows:*

SECTION 1. The Worcester and Shrewsbury Railroad Company, when its organization is completed, may, with

May locate tracks with consent of board of aldermen.

the consent of the board of aldermen of the city of Worcester, locate and use its tracks in any of the public streets of said city, subject to the general laws which now are or may hereafter be in force relating to street railway companies: *provided*, said tracks shall not be laid in any street occupied by the tracks of the Worcester Street Railway Company except with its consent.

Proviso.

Motive-power.

SECTION 2. Said railroad company shall use only such motive-power on its tracks located in said streets, as the board of aldermen of said city may from time to time permit.

SECTION 3. This act shall take effect upon its passage.

*Approved March 24, 1873.*

### Chap. 97. AN ACT TO AMEND AN ACT RELATING TO THE WILLIAMSTOWN AND HANCOCK RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

Repeal of portion of 1869, 242, §§ 1, 5.

SECTION 1. The first and fifth sections of chapter two hundred and forty-two of the acts of the year eighteen hundred and sixty-nine, except so much of the first section as revives the act to incorporate the Williamstown and Hancock Railroad Company, are repealed.

Amendment to 1869, 242, §§ 3, 4, 7.

SECTION 2. The third, fourth and seventh sections of said act are amended by striking out from each of said sections the words "Lebanon Springs Railroad Company," and inserting in place thereof the words "Williamstown and Hancock Railroad Company."

SECTION 3. This act shall take effect upon its passage.

*Approved March 24, 1873.*

### Chap. 98. AN ACT CONCERNING ACCIDENTS ON RAILROADS.

*Be it enacted, &c., as follows :*

Commissioners to investigate causes of accident on railroads.

SECTION 1. The board of railroad commissioners shall investigate the causes of any accident on a railroad resulting in loss of life, and of any accident not so resulting, which, in their judgment, shall require investigation.

To be notified by railroad within twenty-four hours of occurrence of accident.

SECTION 2. Notice of the occurrence of any accident upon a railroad, resulting in loss of life, and of any accident not so resulting, of which the board of railroad commissioners shall, by general regulation, require notice, shall be given to said board by the corporation operating the road upon which such accident occurs, and within twenty-four hours thereafter; and a corporation, for each omission to give such notice, shall be liable to a penalty of one hundred dollars, to be recovered by indictment.

SECTION 3. Section fourteen of chapter four hundred and eight of the acts of the year eighteen hundred and sixty-nine is repealed.

Repeal of 1869,  
408, § 14.

*Approved March 24, 1873.*

AN ACT TO INCORPORATE THE CONCORD FREE PUBLIC LIBRARY.

*Be it enacted, &c., as follows :*

*Chap. 99.*

SECTION 1. Ebenezer R. Hoar, Grindall Reynolds, George M. Brooks, George Keyes and Henry F. Smith, and their successors, are made a corporation by the name of the Concord Free Public Library, for the formation and maintenance of a public library in Concord; with all the powers and privileges, and subject to all the duties and liabilities set forth in the general laws which now are or hereafter may be in force and applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate to the amount of two hundred thousand dollars, for the purposes aforesaid, in addition to books and objects of curiosity and art.

Real and personal estate.

SECTION 3. The corporation shall consist of five members, of whom at least four shall be citizens of the town of Concord. Whenever a vacancy occurs in the number of corporators, by death, resignation or removal from the town, the remaining members shall fill the same; and in case they fail to elect a person to fill the vacancy within three months from the time such vacancy occurs, it shall be competent for the judge of probate of the county of Middlesex, or in case of his disqualification, for the person empowered by law to act in his stead, upon the application of any inhabitant of Concord, to fill such vacancy. And a majority of the members of the corporation may at any time, with the approval of the judge of probate aforesaid, remove a member of the corporation, and the vacancy thus occasioned shall be filled as in other cases.

Corporation to consist of five members.

Vacancies.

SECTION 4. The town of Concord may transfer to said corporation all funds now held or hereafter received by said town, for the purposes of a public library, to be held and applied by the corporation in the same manner as if they were held by the town; and may transfer to the corporation the books and pamphlets of the town library, upon such terms and conditions as shall be agreed upon by said town and corporation.

Town may transfer all funds held for a public library.

SECTION 5. So long as said corporation allows the inhabitants of the town of Concord free use of said library, under reasonable regulations, said town may appropriate and pay annually towards defraying the expense of main-

May appropriate money towards support as long as inhabitants have free access to library.

taining and increasing said library, a sum not exceeding one dollar for each of its ratable polls in the year preceding that in which the appropriation is made, and may also pay the salary of a librarian and of any necessary assistants. The town may also pay over to said corporation, for the use of the library, any money by law applicable to the use of a town library.

SECTION 6. This act shall take effect upon its passage.

*Approved March 24, 1873.*

- Ch.* 100. AN ACT TO EXTEND THE TIME FOR LAYING OUT A HIGHWAY AND CONSTRUCTING A BRIDGE ACROSS THE MERRIMAC RIVER IN TYNGSBOROUGH.

*Be it enacted, &c., as follows :*

Time extended  
for building  
bridge across  
Merrimac River.

SECTION 1. The time named in chapter one hundred and ninety-nine of the acts of the year eighteen hundred and seventy-one, is extended one year.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1873.*

- Ch.* 101. AN ACT AUTHORIZING THE BOSTON SUNDAY-SCHOOL AND MISSIONARY SOCIETY OF THE METHODIST EPISCOPAL CHURCH, TO CHANGE ITS NAME.

*Be it enacted, &c., as follows :*

Name changed.

SECTION 1. The Boston Sunday-School and Missionary Society of the Methodist Episcopal Church may change its name to The Boston Missionary and Church Extension Society of the Methodist Episcopal Church.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1873.*

- Ch.* 102. AN ACT TO AUTHORIZE JAMES RITCHIE AND OTHERS TO CONSTRUCT A WHARF IN DARTMOUTH.

*Be it enacted, &c., as follows :*

May construct  
wharf in Dart-  
mouth.

SECTION 1. License is given to James Ritchie, George A. Bourne and Israel F. Parsons to construct a wharf in connection with their lands on the westerly side of Ap-ponagansett River, in Dartmouth, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1873.*

AN ACT AUTHORIZING THE TRUSTEES OF LENOX ACADEMY TO SELL REAL ESTATE. *Ch.* 103.

*Be it enacted, &c., as follows :*

SECTION 1. The trustees of Lenox Academy are authorized to sell and convey the real estate upon which said academy now stands. May sell real estate.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1873.*

AN ACT PROVIDING FOR THE PRESERVATION OF FISH IN THE POND OF THE ADAMS AND CHESHIRE RESERVOIR COMPANY. *Ch.* 104.

*Be it enacted, &c., as follows :*

SECTION 1. Whoever shall draw, set, stretch or use any drag-net, set-net, purse or seine of any kind, or construct, maintain or use any fish-weir, yard or pound for taking fish of any kind; and whoever shall in any other manner than by naturally or artificially bated hook and hand-line take any fish from the waters of the pond of the Adams and Cheshire Reservoir Company, situate in the towns of Cheshire and Lanesborough, shall forfeit a sum not less than twenty-five dollars nor more than one hundred dollars, to be recovered by complaint or indictment, and one-half of the sum so forfeited shall be paid to the complainant and one-half to the treasurer of the county of Berkshire. Fish not to be taken from pond of Adams and Cheshire Reservoir Company, except by hook and hand line.

Penalty.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1873.*

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF DUKES COUNTY TO ERECT A NEW JAIL. *Ch.* 105.

*Be it enacted, &c., as follows :*

SECTION 1. The county commissioners of Dukes County are authorized and required to erect a new jail, and a suitable dwelling-house for the keeper of such jail, in Edgartown. Commissioners to erect new jail in Edgartown.

SECTION 2. The said commissioners are authorized to sell the whole or any portion of the buildings now standing on the present jail lot, excepting the court house, and purchase a new lot for a jail; and to borrow, on the credit of the county for the purposes of this act, a sum not exceeding twelve thousand dollars. May sell buildings on present jail lot, excepting court-house.

SECTION 3. This act shall take effect upon its passage.

*Approved March 24, 1873.*

**Ch. 106.** AN ACT TO AUTHORIZE CITIES AND TOWNS TO FURNISH PUPILS IN THE PUBLIC SCHOOLS WITH TEXT-BOOKS.

*Be it enacted, &c., as follows :*

Text-books may be furnished by cities and towns to pupils in public schools.

SECTION 1. Any city, by an ordinance of the city council, and any town by legal vote, may authorize the school committee to purchase text-books for use in the public schools, said text-books to be the property of the city or town, and to be loaned to pupils under such regulations as the school committee may provide.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1873.*

**Ch. 107.** AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF NEWBURYPORT.

*Be it enacted, &c., as follows :*

Assessors of taxes to serve for three years.

SECTION 1. The city council of the city of Newburyport, shall, in the month of January, in the year eighteen hundred and seventy-four, elect, in convention, three persons to be assessors of taxes, one to serve for three years, one for two years and one for one year, and until their successors are chosen ; and thereafter the city council shall annually, in the month of January, elect in the same manner one person to hold said office for the term of three years. The city council may, in like manner, fill any vacancy occurring in said board, and may provide such clerical aid as may be necessary, define the duties, and fix the compensation of said officers.

May be provided with clerical aid.

Assistant assessors not to be elected.

SECTION 2. So much of section eight of chapter two hundred and ninety-six of the acts of eighteen hundred and fifty-one, as provides for the election of assistant assessors, is repealed.

*Approved March 24, 1873.*

**Ch. 108.** AN ACT CONCERNING THE ELECTION OF SUPERINTENDENTS OF PUBLIC SCHOOLS.

*Be it enacted, &c., as follows :*

Amendment to G. S. 38, § 35.

SECTION 1. Section thirty-five of chapter thirty-eight of the General Statutes, is amended by striking from the first line the word "annually."

SECTION 2. This act shall take effect upon its passage.

*Approved March 26, 1873.*

**Ch. 109.** AN ACT TO AUTHORIZE COOK BORDEN TO CONSTRUCT A WHARF IN FALL RIVER.

*Be it enacted, &c., as follows :*

May construct wharf in Fall River.

SECTION 1. License is given to Cook Borden to construct a wharf on his property extending into Taunton



River, in Fall River, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved March 26, 1873.*

AN ACT TO AUTHORIZE WARREN ORDWAY TO CONSTRUCT A WHARF  
IN HAVERHILL.

*Ch. 110.*

*Be it enacted, &c., as follows :*

SECTION 1. License is given to Warren Ordway to construct a wharf in Haverhill, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

May construct wharf in Haverhill.

SECTION 2. This act shall take effect upon its passage.

*Approved March 26, 1873.*

AN ACT TO AUTHORIZE THE UNION WHARF COMPANY TO EXTEND  
THEIR WHARF AT VINEYARD HAVEN.

*Ch. 111.*

*Be it enacted, &c., as follows :*

SECTION 1. License is given to the Union Wharf Company to extend their wharf in Vineyard Haven, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

May extend wharf in Vineyard Haven.

SECTION 2. This act shall take effect upon its passage.

*Approved March 26, 1873.*

AN ACT TO AMEND THE CHARTER OF THE LYNN GAS-LIGHT  
COMPANY.

*Ch. 112.*

*Be it enacted, &c., as follows :*

SECTION 1. Section four of chapter thirty-five of the acts of eighteen hundred fifty-three is amended by adding thereto these words: "Said corporation, with the consent of the selectmen of the towns of Saugus, Swampscott and Nahant, may extend its pipes through said towns, and erect therein the necessary structures to supply gas to the inhabitants thereof, under the same restrictions as are herein before provided as to their acts in the city of Lynn."

May extend gas-pipes through Saugus, Swampscott and Nahant.

SECTION 2. This act shall take effect upon its passage.

*Approved March 26, 1873.*

AN ACT TO INCORPORATE THE BOSTON COMMERCIAL EXCHANGE  
BUILDING COMPANY.

*Ch. 113.*

*Be it enacted, &c., as follows :*

SECTION 1. Avery Plummer, Henry J. Nazro, Nathaniel G. Chapin, H. A. Johnson, Calvin M. Winch, Edward Kemble, their associates and successors, are

Corporators..

Name and purpose.	made a corporation by the name of the Boston Commercial Exchange Building Company, for the purpose of constructing and maintaining in the city of Boston, buildings for a Commercial Exchange and other business purposes; with the rights and privileges, and subject to the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force and applicable to such corporations.
Powers and duties.	
Real and personal estate.	SECTION 2. The said corporation may hold real and personal estate to an amount not exceeding one million dollars.
Capital stock.	SECTION 3. The capital stock shall not exceed one million dollars, and said corporation shall incur no liability until one hundred thousand dollars of its capital stock has been paid in in cash.

SECTION 4. This act shall take effect upon its passage.

*Approved March 26, 1873.*

*Ch.* 114. AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows :*

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit :
Inspectors of state prison.	In the resolve, chapter three, in favor of the inspectors of the state prison, two hundred and ninety-seven dollars and fourteen cents.
District court of East Norfolk.	In the act, chapter eighteen, establishing the salary of the clerk of the district court of East Norfolk, three hundred dollars.
Troops on duty at great fire in Boston.	For the payment of troops ordered out on account of the great fire in Boston, a sum not exceeding one thousand eight hundred thirty-six dollars and thirty-eight cents.
State police.	For expenses of the state police for the present year, a sum not exceeding thirteen thousand five hundred dollars, as follows, viz. : For office rent in Boston, five thousand two hundred dollars; and for incidental and contingent expenses, eight thousand three hundred dollars.
General agent board of state charities.	For such clerical and other assistance as the general agent of the board of state charities may find necessary, a sum not exceeding one thousand five hundred dollars, the same to be in addition to the amount heretofore appropriated for the present year.

For the burial of state paupers in the year eighteen hundred and seventy-two, a sum not exceeding three thousand dollars.

Burial of state paupers.

For expenses incurred at the state workhouse at Bridgewater, in the year eighteen hundred and seventy-two, a sum not exceeding seven hundred twenty-four dollars and sixty-five cents.

State workhouse at Bridgewater.

For expenses incurred at the state prison in the year eighteen hundred and seventy-two, a sum not exceeding six hundred thirteen dollars and eighty-eight cents.

State prison.

For incidental expenses of the secretary's department for the year eighteen hundred and seventy-two, a sum not exceeding one hundred forty dollars and eighty-five cents.

Secretary's department, incidental expenses.

For contingent expenses of the surgeon-general, a sum not exceeding one thousand dollars, in addition to the appropriation heretofore made for the present year.

Surgeon-general.

For the incidental expenses of the adjutant-general's department for the year eighteen hundred and seventy-two, a sum not exceeding one hundred eleven dollars and thirty-seven cents.

Adjutant-general, incidental expenses.

For contingent expenses of the railroad commissioners for the year eighteen hundred and seventy-two, a sum not exceeding five hundred thirty-eight dollars and eighty cents.

Railroad commissioners.

For incidental expenses of the attorney-general's department for the year eighteen hundred and seventy-two, a sum not exceeding fifteen dollars and forty-five cents.

Attorney-general.

For incidental expenses of the board of agriculture for the year eighteen hundred and seventy-two, a sum not exceeding two hundred twenty-nine dollars and forty-three cents.

Board of agriculture.

The unexpended balance of the appropriation made in chapter three hundred and sixty of the acts of the year eighteen hundred and seventy-two, for sundry small items of expenditure due and unpaid in eighteen hundred and seventy-one, and previous years, is made applicable to any similar expenses of the year eighteen hundred and seventy-two.

Sundry small items of expenditure.

For such clerical assistance as the adjutant-general may find necessary, a sum not exceeding seven hundred dollars, in addition to the amount heretofore appropriated for the present year.

Adjutant-general, clerical assistance.

SECTION 2. This act shall take effect upon its passage.

*Approved March 26, 1873.*

**Ch. 115.** AN ACT RELATING TO THE COLLATERAL LOAN COMPANY.  
*Be it enacted, &c., as follows:*

Amendment to  
1869, 428, § 2.

SECTION 1. Section two of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and sixty-nine is amended by striking out the words, "but it shall in no case exceed two per cent. per month."

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1873.*

**Ch. 116.** AN ACT TO AUTHORIZE THE WAMESIT POWER COMPANY TO CONTRACT FOR MUTUAL INSURANCE WITH OTHER CORPORATIONS.

*Be it enacted, &c., as follows:*

May contract  
with other cor-  
porations for  
mutual insur-  
ance against fire.

SECTION 1. The Wamesit Power Company of Lowell may contract with other corporations in Lowell for the mutual insurance of each other's property against loss and damage by fire.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1873.*

**Ch. 117.** AN ACT IN ADDITION TO AN ACT TO SUPPLY THE VILLAGE OF SOUTH HADLEY FALLS WITH WATER.

*Be it enacted, &c., as follows:*

May issue bonds  
not exceeding  
\$60,000, at 7 per  
cent. interest.

SECTION 1. The inhabitants of South Hadley may issue from time to time, notes or bonds to an amount not exceeding the sum of sixty thousand dollars, payable at periods not exceeding twenty-five years from the date thereof, with interest payable semi-annually, at a rate not exceeding seven per centum per annum.

To be signed by  
treasurer.

All such notes or bonds shall be signed by the treasurer of the town of South Hadley, and countersigned by the chairman of its board of selectmen; and a record of all such notes or bonds shall be made and kept by said treasurer.

May loan bonds  
to fire district  
number one.

Said town may loan said notes or bonds to its fire district number one upon such terms and conditions as may be prescribed by said town; and said fire district may sell or negotiate the same or any part thereof, or pledge the same for money borrowed for the purposes of paying all necessary expenses and liabilities incurred under the provisions of chapter one hundred and fourteen of the acts of eighteen hundred and seventy-two, upon such terms as said fire district may deem proper.

Taxes may be  
assessed upon  
estates in dis-  
trict to pay  
principal and  
interest.

SECTION 2. Said town may assess and collect upon the estate, both real and personal, in said fire district, all taxes necessary to pay the principal and interest of the notes and bonds issued and loaned by virtue of the authority granted in this act.

SECTION 3. A legal meeting of the voters of said fire district shall be called within three months after the passage of this act, for the purpose of having said voters give in their written votes on the question whether they will accept this act; and if two-thirds of said votes shall be in the affirmative, then the selectmen of the town shall warn a meeting of the voters of said town within two months after the acceptance of this act by said fire district, for the purpose of having said voters give in their written votes upon the question whether they will accept this act, and if two-thirds of the votes given upon said question shall be in the affirmative, then sections one and two of this act shall take effect, otherwise they shall be void.

Subject to acceptance by voters of the fire district.

SECTION 4. Section three of this act shall take effect upon its passage.

*Approved March 27, 1873.*

AN ACT TO EXTEND THE TIME ALLOWED FOR LOCATING AND CONSTRUCTING THE PLYMOUTH AND SANDWICH RAILROAD.

*Ch. 118.*

*Be it enacted, &c., as follows:*

The time allowed the Plymouth and Sandwich Railroad Company for locating and constructing its railroad is extended two years from the passage of this act.

Time for location and construction extended.

*Approved March 27, 1873.*

AN ACT TO AUTHORIZE THE HOPKINTON RAILROAD COMPANY TO EXTEND AND MORTGAGE ITS RAILROAD.

*Ch. 119.*

*Be it enacted, &c., as follows:*

SECTION 1. The Hopkinton Railroad Company may extend its railroad, with one or more tracks, from some convenient point on the line of its location in the town of Ashland, and near its present terminus in said town, through Framingham, Natick, Wayland and Weston, or any of said towns, to some convenient point on the line of the Massachusetts Central Railroad in said Weston, subject to such general laws as may be applicable to said extension.

May extend road through Framingham, &c., to Mass. Central R. R. in Weston.

SECTION 2. Said company may mortgage its road, franchise and equipment, and any of its property, real and personal, to an amount not exceeding one hundred and sixty-five thousand dollars, in addition to the amount now authorized by chapter one hundred and seventy of the acts of the year eighteen hundred and seventy-two, to secure such bonds as may be issued by said company, with interest thereon, at a rate not exceeding seven per centum per annum, and the whole amount for which such

May mortgage property to additional amount of \$165,000.

bonds shall be issued, shall be determined by the stockholders, at a meeting duly called for that purpose; but in no case shall the bonds so issued exceed the amount of capital stock actually paid in by the stockholders.

SECTION 3. This act shall take effect upon its passage.

*Approved March 27, 1873.*

**Ch. 120.** AN ACT TO INCORPORATE THE FALL RIVER STREET RAILWAY COMPANY.

*Be it enacted, &c., as follows:*

**Corporators.** SECTION 1. Weaver Osborne, Charles P. Stickney, George O. Fairbanks, Charles J. Holmes, Simeon Borden, their associates and successors, are made a corporation, by the name of the Fall River Street Railway Company, with power to construct, maintain and operate a street railway on and over any of the streets in the city of Fall River.

**Capital stock.** SECTION 2. The capital stock shall not exceed one hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

*Approved March 27, 1873.*

**Ch. 121.** AN ACT TO AMEND CHAPTER FIFTY-THREE OF THE ACTS OF EIGHTEEN HUNDRED SEVENTY-TWO, ENTITLED AN ACT TO AUTHORIZE THE FORMATION OF RAILROAD CORPORATIONS.

*Be it enacted, &c., as follows:*

**Railroad corporations formed under 1872, 53, may reduce capital stock.** SECTION 1. The persons associating to form a railroad corporation under chapter fifty-three of the acts of eighteen hundred and seventy-two, and the corporations so formed, may from time to time, by vote of the associates, or stockholders, at any meeting called for the purpose, reduce the amount of their capital stock: *provided*, that it shall not be reduced below the limits prescribed in section two of said act; and said associates or corporations may at any time, by a like vote, change the gauge of their road to the other gauge allowed by said act.

**Proviso.** SECTION 2. The notice to parties interested, required by the seventh section of said act, shall state the time and place of hearing, and shall be given by publication in one or more newspapers published in the county for two successive weeks, the last publication to be at least two days prior to the hearing, and by posting copies of the notice in at least two public places in the town or city in which the hearing is to be held, at least two weeks before such hearing.

**Notice to be given to parties interested.**

SECTION 3. The route of a railroad as proposed by the directors under section six of said act, and fixed under the seventh and eighth sections of the same, may include such spurs and branches and connecting and terminal tracks in any city or town as may be necessary to enable the corporation to conveniently collect and deliver passengers and freight in such city or town; but no such branch, spur or connecting or terminal track, shall be laid longitudinally within the limits of a public way without the consent of the mayor and aldermen, or of the selectmen, and in giving such consent they may impose such conditions as to the location, construction and use thereof as may be agreed upon between themselves and the directors; and the corporations owning or operating any such tracks so laid longitudinally in a public way, shall, in respect to the same, be liable to the city or town in which the same are laid, for all loss or damage caused thereto by the construction and use of such tracks, and by the negligence or default of their agents or workmen thereon; and the provisions of this section shall apply to all routes heretofore proposed or fixed under said act, and all things done in and concerning the proposal and fixing of the same, shall have the same force and effect as if this section had been part of said act.

Route may include spurs and branches necessary to carry passengers and freight.  
1872, 53, §§ 6-8.

Tracks not to be longitudinally in a public way without consent of selectmen.

SECTION 4. The board of railroad commissioners may, notwithstanding anything contained in the twelfth section of said act, allow one railroad to cross another at grade, whenever in their opinion the public convenience shall so require.

Commissioners may allow one railroad to cross another at grade.

SECTION 5. This act shall take effect upon its passage.

*Approved March 27, 1873.*

AN ACT RELATING TO THE BONDS OF TRUSTEES UNDER WILLS.

*Be it enacted, &c., as follows:*

SECTION 1. A trustee under a will shall be exempt from giving a surety or sureties on his bond, when the testator has ordered or requested such exemption, or that no bond should be taken, or when all the persons interested in the trust-fund, being of full age and legal capacity, request such exemption; but such trustee shall in all cases give his own personal bond: *provided*, that the judge of the probate court may at any time require a bond, with sufficient surety or sureties, if he is of opinion that the same is required by a change in the situation or circumstances of such trustee, or for other sufficient cause.

*Ch. 122.*

Trustee under will to be exempted from giving bond when testator has so ordered.

Bond may be required to be given for sufficient cause.

If trustee neglect to give bond as required, he shall be considered as having declined the trust.  
 Proviso.

SECTION 2. Every trustee under a will who neglects to give bond as required by this act, within such time as the probate court allows, shall be considered as having declined the trust: *provided*, that no trustee who has already undertaken a trust under laws heretofore existing, shall be required by the provisions of this act to give bond, except when the judge of the probate court is of opinion that the same is required by a change in the situation or circumstances of such trustee or for other sufficient cause.

*Approved March 27, 1873.*

**Ch. 123.** AN ACT TO AUTHORIZE EUNICE H. STANWOOD AND MEHITABLE F. STANWOOD TO CONSTRUCT A WHARF IN IPSWICH.

*Be it enacted, &c., as follows :*

May construct wharf in Ipswich.

SECTION 1. License is given to Eunice H. Stanwood and Mehitable F. Stanwood to construct a wharf on their land on Ipswich River, in Ipswich, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1873.*

**Ch. 124.** AN ACT TO AUTHORIZE ELIAS T. INGALLS AND ALFRED R. KIMBALL TO CONSTRUCT A WHARF IN HAVERHILL.

*Be it enacted, &c., as follows :*

May construct wharf in Haverhill.

SECTION 1. License is given to Elias T. Ingalls and Alfred R. Kimball to construct a wharf in Haverhill, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1873.*

**Ch. 125.** AN ACT TO CONFIRM AN INDENTURE BETWEEN THE COMMONWEALTH AND THE BOSTON AND ROXBURY MILL CORPORATION.

*Be it enacted, &c., as follows :*

Indenture between the Commonwealth and Boston and Roxbury Mill Corporation, confirmed.

SECTION 1. The indenture between the Commonwealth of Massachusetts and the Boston and Roxbury Mill Corporation, dated December fifteenth, eighteen hundred and sixty-two, approved by the governor and council, and recorded in the registry of deeds for the county of Suffolk, book eight hundred and twenty-two, leaf ninety-seven, is ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1873.*



AN ACT TO AMEND THE CHARTER OF THE CITY OF SPRINGFIELD.

Ch. 126.

*Be it enacted, &c., as follows:*

SECTION 1. Section fourteen of chapter ninety-four of the year one thousand eight hundred and fifty-two is amended by inserting the words "alter or discontinue," after the words "concurrent power with the county commissioners to lay out."

City charter amended, 1852, 94, § 14.

SECTION 2. The city council of the city of Springfield, shall within two months after the passage of this act, elect by ballot in joint convention, three assessors, one to hold office for three years, one for two years, and one for one year from the first day of April of the year eighteen hundred and seventy-three; and shall thereafter annually, within sixty days after the organization of the council, elect in like manner one assessor to hold office for the term of three years from the first day of April in the year of such election. Said council shall at the same times and in the same manner, elect such number of assistant assessors, not exceeding eight, as said council may from time to time by ordinance prescribe, who shall hold office for the term of one year from the first day of April in the year of their election, and shall assist the assessors in doing their duties, in such manner and with such compensation as shall be prescribed by ordinance of the city council.

Assessors to hold office for three years.

Assistant assessors to hold office for three years.

SECTION 3. Said city council shall in like manner, within two months after the passage of this act, elect three persons to be overseers of the poor, who shall hold office, one for one year, one for two years, one for three years, from the first day of April, eighteen hundred and seventy-three, and shall afterward, annually, within sixty days after its organization, elect one person as an overseer of the poor, to hold office for three years from the first day of April in the year of such election.

Overseers of the poor to hold office for three years.

SECTION 4. All sewers and drains, and all parts of sewers and drains, now existing in any street, highway or town way in the city of Springfield, and not now owned by said city, or of which the ownership may be uncertain, may be taken and appropriated by vote of the mayor and aldermen, and shall thereupon become the property of the city, and subject to its control; but nothing herein contained shall deprive any person or corporation of any existing right to use such sewers and drains, or any of them, for drainage purposes; and any person or corpora-

All existing sewers and drains may be taken and appropriated by the city.

tion sustaining damage by such taking or appropriation of any sewer or drain may recover compensation therefor in the manner provided in case of damage sustained by the laying out of highways.

Sewers and drains hereafter laid out to become the property of the city.

SECTION 5. All sewers and drains, and parts of sewers and drains, within the limits of any street or public way hereafter laid out within said city, shall, on such laying out, become the property of said city, and subject to its control; but nothing herein contained shall deprive any person or corporation of any existing right to use any such sewer or drain for the purposes of drainage; and any person or corporation sustaining damage by such change of ownership in such sewers and drains, or any of them, may recover compensation therefor in the manner provided for in case of damage sustained by the laying out of highways.

Streets not to be laid out, &c., until after notice to parties interested.

SECTION 6. After any hearing authorized by section four of chapter three hundred and thirty-four of the acts of the year eighteen hundred and seventy-two, the city council of said city shall not, nor shall the mayor and aldermen, proceed to lay out, alter, widen, discontinue, or change the grade of any street; establish, lay out, change the grade of, construct, pave, alter any sidewalk; or lay out, establish, construct or alter any sewers or drains, in opposition to the recommendation of the board of public works, or without such recommendation, unless they shall first give to all parties interested the notice which before the passage of said chapter, was required by law, to be given to parties interested in the laying out of streets. In all cases, after such hearing, the recommendation of the board of public works may be adopted and carried into effect without further notice to or hearing of parties, unless some party interested, within fourteen days after the hearing before the board of public works, files with the city clerk a request in writing, to be heard further, in which case the same notice shall be given to all parties interested as is provided in case the recommendation of the board of public works is not adopted, and a hearing shall be had before the mayor and aldermen.

City council may establish any portion of city as a building district.

SECTION 7. The city council may, from time to time, by concurrent vote of the two branches, establish such portion of the city as they see fit, as a building district, within which no building shall be erected till the plans and specifications thereof, so far as they indicate the

material, height and thickness of the walls, and the material of the roof and cornices and other projections, shall have been approved by a commissioner appointed for the purpose by the mayor, with the consent of the aldermen; but nothing herein contained shall be construed as authorizing the erection of any buildings in violation of any ordinance of said city, relating to the erection of buildings within the limits of any fire district now established, or which may hereafter be established.

SECTION 8. Said city council may by ordinance, with suitable penalties, require all tenements and buildings on streets and within a district named and described in such ordinance to be suitably numbered by the owner or occupant; and may provide that, if the owner or occupant fails to number any building or tenement in accordance with such ordinance, said city may cause the same to be numbered at the expense of the owner or occupant.

May require all buildings to be numbered.

SECTION 9. The city of Springfield may appropriate annually, and raise by taxation, such sum as the city council deems fit, for the support of a city hospital.

City may appropriate money for a city hospital.

SECTION 10. All acts and parts of acts inconsistent herewith are repealed.

Repeal.

SECTION 11. This act shall take effect on the acceptance thereof by the concurrent vote of the city council of said city of Springfield.

Subject to acceptance by city council.

*Approved March 23, 1873.*

AN ACT TO AUTHORIZE ELBRIDGE G. KELLEY TO EXTEND HIS WHARF IN NEWBURYPORT. *Ch. 127.*

*Be it enacted, &c., as follows:*

SECTION 1. License is given to Elbridge G. Kelley, to extend his wharf on the south-westerly side of Merrimack River in Newburyport, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

May construct wharf in Newburyport.

SECTION 2. This act shall take effect upon its passage.

*Approved March 29, 1873.*

AN ACT TO AUTHORIZE MOSES E. HALE TO CONSTRUCT A WHARF IN NEWBURYPORT. *Ch. 128.*

*Be it enacted, &c., as follows:*

SECTION 1. License is given to Moses E. Hale, to construct a wharf on his land in Newburyport, on the south-westerly side of the Merrimack River, subject to

May construct wharf in Newburyport.

the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved March 29, 1873.*

**Ch. 129.** AN ACT TO AUTHORIZE THE TOWN OF NAHANT TO CONSTRUCT A WHARF IN SAID TOWN, AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows:*

Town of Nahant may construct a wharf.

SECTION 1. The town of Nahant is authorized to construct and maintain a wharf at or near Nipper's Stage, between Tudor's Wharf and Dorothy's Cove, in said town, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine; and may take and hold such lands and flats, by purchase or otherwise, as may be necessary for the purpose aforesaid.

Selectmen to file in registry of deeds a description of the land taken.

SECTION 2. The selectmen of said town shall, within sixty days after the taking of such land and flats, file in the registry of deeds for the county of Essex southern district, a description of the same; and said town shall be liable to pay all damages sustained by any persons by the taking of said land and flats as aforesaid; and if any person sustaining damage by the said taking, cannot agree with the said selectmen upon the amount of said damages, he may have them assessed and paid in the same manner as provided by law with respect to land taken for highways.

Liability for damages.

Subject to acceptance of the town.

SECTION 3. This act shall not take effect till accepted by the inhabitants of the town of Nahant at a meeting called for the purpose.

*Approved March 29, 1873.*

**Ch. 130.** AN ACT TO AUTHORIZE THE TOWN OF MEDFORD TO CONSTRUCT A BRIDGE ACROSS MYSTIC RIVER.

*Be it enacted, &c., as follows:*

May construct a span bridge across Mystic River in Medford.

SECTION 1. License is given to the town of Medford to construct and maintain in place of the existing draw-bridge across Mystic River on Main Street in said town, a span bridge with suitable piers and abutments, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine: *provided*, that the bridge hereby authorized shall be so made that a section thereof may be removed, leaving a clear space of not less than forty-four feet in width for the passage of vessels; and it shall be the duty of said town of Medford to cause said section of the bridge to be removed

Proviso.

without unreasonable delay, whenever it is necessary so to do for the convenient passage of vessels on said river.

SECTION 2. This act shall take effect upon its passage.

*Approved March 29, 1873.*

AN ACT TO PROHIBIT FAST DRIVING ON FREE BRIDGES OVER THE CONNECTICUT RIVER. *Ch. 131.*

*Be it enacted, &c., as follows:*

SECTION 1. No person shall ride or drive any horse or mule on or over any part of any free bridge over the Connecticut River, at a rate faster than a walk.

Not to ride or drive over bridges faster than a walk:

SECTION 2. Whoever violates the provisions of section one of this act, shall for each and every offence forfeit the sum of two dollars for each and every horse or mule so ridden or driven.

Penalty.

SECTION 3. Each city and town in which any of said free bridges terminates, shall, within ten days after this act takes effect, cause to be posted in a conspicuous place on or near the end of such bridge in said city or town, and to be thenceforth there kept up, a painted board with a white ground containing in black letters the substance of sections one and two of this act; and any city or town neglecting so to post and keep up the required notice, shall forfeit and pay for each day's neglect, the sum of ten dollars to the use of the county.

Notice of regulation to be posted up.

SECTION 4. Police courts and trial justices in the several cities and towns in which any of said free bridges terminate, shall have original and concurrent jurisdiction of complaints for violation on such bridges, of any of the provisions of this act, in the same manner as if the offence was committed within such city or town.

Jurisdiction of police courts and trial justices.

*Approved March 29, 1873.*

AN ACT TO INCORPORATE THE APOLLO CLUB OF BOSTON.

*Ch. 132.*

*Be it enacted, &c., as follows:*

SECTION 1. John H. Stickney, John P. Putnam, Charles C. Wentworth, their associates and successors, are made a corporation by the name of the Apollo Club of Boston, for the purpose of promoting the cultivation of vocal and instrumental music; with the powers and privileges, and subject to the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force and applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

Real estate not  
exceeding \$50,-  
000.

SECTION 2. Said corporation for the purpose aforesaid, may hold real estate to an amount not exceeding fifty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

*Approved March 29, 1873.*

**Ch. 133.** AN ACT TO AUTHORIZE THE CITY OF FITCHBURG TO FUND ITS FLOATING DEBT, AND TO ISSUE ADDITIONAL SCRIP.

*Be it enacted, &c., as follows :*

May borrow  
money to fund  
floating debt,  
and for muni-  
cipal purposes.

SECTION 1. The city council of the city of Fitchburg may borrow such sums of money as shall be necessary for funding the present floating debt incurred in the construction of sewers and drains, in supplying said city with water, and for other municipal purposes, and may further borrow money from time to time, to an amount not exceeding two hundred thousand dollars, for municipal purposes.

Expenditures  
for drains  
and water  
confirmed.

All expenditures and indebtedness heretofore incurred by said city for sewers, drains and water, are confirmed ; and said city council may issue the notes, bonds or certificates of indebtedness of said city, bearing interest payable semi-annually, and redeemable at such times as they shall direct, for all sums of money borrowed under authority of this act.

SECTION 2. This act shall take effect upon its passage.

*Approved March 29, 1873.*

**Ch. 134.** AN ACT AMENDING AN ACT TO INCORPORATE THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

*Be it enacted, &c., as follows :*

Two additional  
managers to be  
appointed by  
governor and  
council.

The governor, with the advice and consent of the council, shall annually appoint two additional managers of the Massachusetts Charitable Eye and Ear Infirmary, to hold office for one year from the last Thursday of October in each year.

*Approved March 29, 1873.*

**Ch. 135.** AN ACT TO INCORPORATE THE TRUSTEES OF THE SIGMA PHI SOCIETY OF WILLIAMS COLLEGE.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. William R. Dimmock, Eugene M. Jerome, William T. R. Marvin, their associates and successors, are made a corporation by the name of the Trustees of the Sigma Phi Society of Williams College, for the purpose of holding and managing the real estate and personal property of the Sigma Phi Society of Williams College ; with the powers and subject to the duties, liabilities and restrictions set forth in the general laws which now are or

Name and pur-  
pose.

Powers and  
duties.

may hereafter be in force and applicable to such corporations.

SECTION 2. Said corporation may hold real and personal estate for the purposes aforesaid to an amount not exceeding twenty thousand dollars, which shall not be exempt from taxation.

Real and personal estate.

SECTION 3. The trustees of such corporation shall have authority to fill all vacancies in their board, but the number of said trustees shall never exceed nine.

Trustees not to exceed nine. Vacancies.

SECTION 4. This act shall take effect upon its passage.

*Approved March 29, 1873.*

AN ACT TO AUTHORIZE THE CITY OF NEWBURYPORT TO DISCONTINUE CERTAIN COMMON LANDING-PLACES IN SAID CITY, AND FOR OTHER PURPOSES.

*Ch. 136.*

*Be it enacted, &c., as follows :*

SECTION 1. License is given to the city of Newburyport to discontinue all the common landing-places, known as town and public landings, situated between Central Wharf and the point of intersection of the Newburyport City Railroad and Water Street in said city, and to fill up, use and improve the flats where said landing-places now are, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

May discontinue common landing places and fill up flats.

SECTION 2. This act shall take effect upon its passage.

*Approved March 29, 1873.*

AN ACT TO EXTEND THE TIME WITHIN WHICH ACTIONS AND PROSECUTIONS UNDER THE LAWS RELATING TO INLAND FISHERIES MAY BE COMMENCED.

*Ch. 137.*

*Be it enacted, &c., as follows :*

SECTION 1. Section thirty-two of chapter three hundred eighty-four of the acts of the year eighteen hundred sixty-nine is amended by striking out the words "four months," and inserting the words "one year" instead thereof.

Amendment to 1869, 384, § 32.

SECTION 2. This act shall take effect upon its passage.

*Approved March 29, 1873.*

AN ACT FOR THE BETTER ORGANIZATION OF THE FIRE DEPARTMENT OF THE CITY OF FITCHBURG.

*Ch. 138.*

*Be it enacted, &c., as follows :*

SECTION 1. The city council of the city of Fitchburg may establish a fire department for said city, to consist of a chief-engineer, and as many assistant engineers, not exceeding eight, and other officers, and as many engine-

Fire department may be established by city council.

men and other members, as the city council, by ordinance, shall from time to time prescribe. Said city council may make provisions in regard to the time and mode of appointment, and the occasion and mode of removal of such officers and members, and in regard to their qualifications, and period of service; may define their office and duties; may fix and pay the compensation for their services; and, in general, may make regulations in regard to their conduct and government, and to the management and conduct of fires and persons attending at fires, subject to the penalties provided for the breach of the city ordinances; *provided*, that the appointment of engineers, hose-men and hook and ladder men shall be made by the mayor and aldermen.

Provisio.

Powers may be exercised as prescribed by ordinance.

SECTION 2. The powers and duties mentioned in the preceding section, or any of them, may be exercised and carried into effect by the said city council in any manner which they may by ordinance prescribe, and through the agency of any persons, or any board or boards, to whom they may delegate the same.

Engineers and other officers to have powers and duties of fire-wards.

SECTION 3. The engineers or other officers of the department appointed as aforesaid, shall have the same authority in regard to the prevention and extinguishment of fires, and the performance of the other offices and duties now incumbent upon the fire wards, as are now conferred upon fire wards by the General Statutes or acts supplemental thereto.

They may also, in compliance with any ordinance of said city, make an examination of places where shavings and other combustible materials are collected or deposited, and require the removal of such materials, or the adoption of suitable safeguards against fire. And said city council may make suitable ordinances upon this latter subject-matter, and annex suitable penalties for the violation thereof.

Subject to acceptance by city council.

SECTION 4. This act shall take effect upon its acceptance by the city council, but it shall not operate upon existing laws relating to the fire department of said city until a fire department is established under the authority of this act.

*Approved March 29, 1873.*

## Ch. 139.

AN ACT TO CONFER A VETO POWER ON THE MAYORS OF CITIES.

*Be it enacted, &c., as follows:*

Orders, &c., involving expenditure of money,

SECTION 1. Every ordinance, order, resolution or vote, to which the concurrence of the board of aldermen



and of the common council of any city may be necessary, (except on a question of a convention of the two branches or the election of any officer), and every order of either branch of the city council, involving the expenditure of money, shall be presented to the mayor of the city. If he approves thereof he shall signify his approval by signing the same; but if he does not approve thereof, he shall return the ordinance, order, resolution or vote, with his objections, in writing, to the branch of the city council in which it originated. Such branch shall enter the objections of the mayor, at large, on its records, and proceed to reconsider said ordinance, order, resolution or vote; and if, after such reconsideration, two-thirds of that branch, present and voting, notwithstanding such objections, agree to pass such ordinance, order, resolution or vote, it shall, together with the objections of the mayor, be sent to the other branch of the city council, (if it originally required concurrent action), where it shall also be reconsidered; and, if approved by two-thirds of the members present and voting, it shall be in force; but in all cases the vote shall be determined by yeas and nays; and if such ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him, the same shall be in force.

to be presented  
to mayor.

To be approved,  
or returned with  
objection.

May be passed  
by a two-thirds  
vote of both  
branches.

SECTION 2. This act shall not apply to any city unless the inhabitants of such city, at a legal meeting called for that purpose, shall, by a majority of the voters present and voting thereon, by ballot, determine to adopt the same within one year after its passage.

Subject to ac-  
ceptance by  
inhabitants of  
cities.

*Approved March 29, 1873.*

AN ACT CONCERNING THE HIGHLAND STREET RAILWAY COMPANY.

*Be it enacted, &c., as follows:*

*Ch. 140.*

SECTION 1. The Highland Street Railway Company may from time to time obtain additional locations of their tracks, in the city of Boston, in the manner provided by the general laws relating to street railway corporations.

May obtain ad-  
ditional loca-  
tions of tracks  
in Boston.

SECTION 2. This act shall not authorize said company to use the tracks of any other street railway company, south of Boylston Street, nor north of Temple Place Street.

Use of tracks of  
other roads.

SECTION 3. In case said company shall obtain a location and lay tracks on Columbus Avenue, between Berkeley Street and Boylston Street, the board of aldermen may permit other companies to use the same, and in case any

Tracks on Co-  
lumbus Avenue,  
between Berke-  
ley and Boylston  
Streets.

other company shall obtain such location, and lay such tracks, the board of aldermen may permit said Highland Street Railway Company to use the same.

SECTION 4. This act shall take effect upon its passage.

*Approved March 31, 1873.*

**Ch. 141.** AN ACT IN RELATION TO THE TAXATION OF INSURANCE COMPANIES.  
*Be it enacted, &c., as follows:*

Insurance companies to be taxed one per cent.

SECTION 1. Every fire, marine, fire and marine, and other insurance company, incorporated under the laws of this Commonwealth, except life-insurance companies, and except such companies as are subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, shall, as hereinafter provided, annually pay a tax or excise of one per centum on all premiums received during the year for insurance, whether in cash or in notes absolutely payable, and one per centum on all assessments made upon policy-holders by such company: *provided, however*, that in the assessment of such tax, premiums received in other states where they are subject to a like tax, shall not be included.

Proviso.

Companies incorporated in other states, two per cent. on premiums.

SECTION 2. Every fire, marine, fire and marine, and other insurance company, corporation, association or partnership, which is incorporated or associated by authority of any other state of the United States, shall, as hereinafter provided, annually pay a tax or excise upon all premiums charged or received on contracts made in this Commonwealth for the insurance of property or interests therein, or received or collected by agents in this Commonwealth, at the rate of two per centum, and at such greater rate, if any, as shall be equal to the highest rate imposed during the year by the laws of such other state upon insurance companies incorporated by authority of this Commonwealth, or upon their agents, when doing business in such state.

Life insurance companies incorporated in other states, rate of taxation.

SECTION 3. Every life-insurance company, corporation, association or partnership, incorporated or associated by authority of any other state of the United States, by the laws of which state a tax is imposed upon the premium receipts of life-insurance companies chartered by this Commonwealth doing business in such state, or upon their agents, shall annually, so long as such laws continue in force, pay a tax or excise upon all premiums charged or received upon contracts made in this Commonwealth, at a rate equal to the highest rate imposed during the year

upon life-insurance companies chartered by this Commonwealth, or their agents, doing business in such other state.

SECTION 4. Every fire, marine, fire and marine, and other insurance company, corporation, association or partnership, incorporated or associated under the laws of any government or state other than one of the United States, shall, as hereinafter provided, annually pay a tax of four per centum upon all premiums charged or received on contracts made in this Commonwealth for insurance, or received or collected by agents in this Commonwealth: *provided, however*, that whenever it is made to appear to the satisfaction of the tax commissioner that any such company, corporation, association or partnership, has, during the whole term for which the tax is to be assessed, kept deposited with the insurance or other departments of any state of the United States, or in the hands of trustees, resident in, and citizens of, such States, for the general benefit and security of all policy-holders residing in the United States, securities approved by the insurance commissioner, of the value of two hundred thousand dollars, which have been at all times available for the payment of losses in this Commonwealth, the tax upon the premiums of such company, under this section, shall be assessed at the rate of two per centum. The certificate of the insurance commissioner may be received by the tax commissioner as sufficient evidence that such securities have been so deposited.

Incorporated in other countries, four per cent., or, when there is guarantee fund, two per cent.

SECTION 5. In determining the amount of tax due under the preceding sections of this act, there shall be deducted in each case, from the full amount of premiums and assessments, unused balances on notes taken for premiums on open policies, all sums paid for return premiums on cancelled policies, and all sums actually paid to other insurance companies incorporated under the laws of this Commonwealth, or to the agents of foreign companies, for re-insurance on risks, for which a tax on the premium would be due, had no re-insurance been effected: *provided*, that nothing in this section shall be so construed as to allow dividends in scrip or otherwise, in stock, mutual or mixed companies, to be considered return premiums.

Allowance to be made for return premiums, etc.

SECTION 6. Like fines, fees, penalties, deposits, obligations and prohibitions (not being less in amount than those required by other provisions of law of this

Fees, etc., imposed in other states to be imposed here.

Commonwealth in similiar cases), are imposed upon, and required of, all insurance companies, corporations, associations and partnerships, incorporated or associated by authority of any other state of the United States doing insurance business in this state, and their agents doing business for or with them, as are or shall hereafter be, by law of such state, imposed upon companies incorporated by this state, or upon their agents, doing insurance business in such state. Compliance with the requirements of the provisions of this section as to deposits, obligations and prohibitions, may be enforced, and all such fines, fees, and penalties may be collected by information brought in the supreme judicial court by the attorney-general at the relation of the insurance commissioner, and upon such information, and upon a request therefor, the court shall issue an injunction restraining the further prosecution of the business of such company, corporation, association, partnership or agent, named therein, until such requirements are complied with, and until such fines, fees and penalties are paid, with costs and interest.

Companies and agents to make returns of premiums received.

SECTION 7. Every company, which, by the provisions of the first section of this act, is required to pay a tax, shall, between the first and fifteenth days of November, in each year, cause to be made to the tax commissioner, a return, signed and sworn to by its secretary, or other officer, cognizant of the facts, which shall set forth the amount insured by said company, the premiums received, and assessments collected, during the year ending with the thirty-first day of October then next preceding. Every agent of any company, corporation, association or partnership, which is incorporated or associated by authority of any government other than this Commonwealth, doing or authorized to do insurance business in this Commonwealth, shall, between the first and fifteenth days of November, in each year, make to the tax commissioner a return, signed and sworn to by him, containing the names of every such company, corporation, association or partnership, for which he has acted as agent during any part of the year ending with the thirty-first day of October then next preceding, with the amount insured by him, the premiums received, and assessments collected by him, or by his authority, for each such company, corporation, association or partnership, during such year; but

such agents only of life-insurance companies are required to make return as are not accountable to any other agent in this Commonwealth for premiums received.

Such returns shall contain a statement of the whole amount of premiums charged or received by, or in behalf of, each company, corporation, association or partnership, either in cash or notes absolutely payable, and the amount claimed as a deduction therefrom, under any of the provisions of this act, specifying the whole amount, so claimed, and also the classes of deductions and amount of each class.

SECTION 8. The tax commissioner shall, thereupon, upon such statements, and on such other evidence as he may obtain, proceed to assess upon such companies, corporations, associations and partnerships, and their agents, the taxes prescribed by the provisions of this act, and shall forthwith, upon making such assessment, forward written or printed notices to such companies, or their agents, in this Commonwealth, stating the amounts so determined by him to be payable by each company, corporation, association, partnership, or agent, as the case may be. Such taxes shall be paid to the treasurer and receiver-general on the tenth day of December next succeeding the time fixed in the preceding section for making the statement therein required.

Assessment to be made and notice given.

The tax commissioner shall, on or before such tenth day of December, deliver to the treasurer and receiver-general a certificate setting forth the names of every such company, corporation, association, partnership, and agent, upon whom such tax has then been assessed; and shall, in like manner, make certificate of any further assessments, if any, as may be made after that date. All such taxes, whether assessed before or after the tenth day of December, shall bear interest from that date until they are paid, at the rate of twelve per centum per annum.

Unpaid taxes to bear interest.

SECTION 9. Every company, corporation, association, partnership and agent, failing to make the return required by the provisions of this act, shall forfeit twenty-five dollars for such default; and continuing in such failure for the space of ten days after a written or printed notice thereof, authorized by the tax commissioner, has been deposited in the post-office, postage paid, and addressed to such company, corporation, association, partnership or agent, shall be subject to a further penalty of five hundred

Penalties for failure to make return.

dollars; and in addition, the company, corporation, association or agent so failing, shall be liable, upon information by the attorney-general, at the relation of the tax commissioner, to injunction, restraining it or him, as the case may be, from transacting the business of such company, corporation, association or partnership in this Commonwealth, until such returns are made.

Penalty for making false return.

If any such return contains statements which are false, and are known, or which by the exercise of reasonable care might have been known, to the agent making it, or to the officers making it, to be so, such agent or corporation shall be liable for the amount of tax thereby lost to the Commonwealth, and, in addition, to a penalty of not less than five hundred or more than five thousand dollars.

Penalties, how enforced.

Such penalties may be recovered by an action of tort, brought at the instance of the treasurer against the company, corporation, association, partnership or agent in default; and no such company, corporation, association, partnership or agent shall be liable to the money penalties imposed by this section, if it is made to appear that the return was duly made and deposited by said agent in the post-office, postage paid, and properly directed to the tax commissioner, and that there was no neglect on his part.

Companies and agents liable for taxes.

SECTION 10. Every insurance company incorporated by authority of this Commonwealth, and every such company, corporation, association or partnership, incorporated or associated by authority of any other state or government, shall be liable for the full amount of all taxes so assessed upon the premiums or assessments received by such company, corporation, association or partnership, or by its agents; and each agent of any such company, corporation, association or partnership, incorporated or associated by authority of any state or government other than this Commonwealth, shall also be liable for the amount assessed upon premiums and assessments received by him, which, with interest at the rate of twelve per centum per annum, may be recovered in an action of contract brought in the name of the Commonwealth. Such corporation, company, association or partnership, shall be further liable, upon information by the attorney-general at the relation of the treasurer and receiver-general, to injunction restraining said company, corporation, association or partnership and the agents thereof, from the further prosecution of its business, until all taxes due as

aforesaid, with costs and interest, are fully paid. Any return made or tax paid by an agent shall be a discharge to that extent of the company, corporation, association or partnership, from its liability to make a return or pay a tax under the provisions of this act.

SECTION 11. No person shall, as agent of any insurance company, corporation, association or partnership not incorporated or associated under the laws of this Commonwealth, make or procure to be made any insurance in this Commonwealth, until he has given a bond to the treasurer and receiver-general of the Commonwealth, with sufficient sureties, to be approved by said treasurer, in the sum of two thousand dollars, with condition that he will make all the returns, and pay all taxes, fines and penalties, which, by the provisions of this act and of any other laws of this Commonwealth, he is or shall hereafter be required to make and pay, according to the requirements of such laws. Any person making insurance, or causing or procuring insurance to be made, in violation of the provisions of this section, shall be liable to pay a fine of not exceeding one thousand dollars: *provided, however*, as to agents in this Commonwealth of life-insurance companies incorporated or associated by authority of any state or government other than this Commonwealth, that such agent or agents only of such life-insurance companies shall give the bond required by this section as are not accountable to any agent in this state for premiums received.

Agents must  
file bonds.

Proviso as to  
sub-agents.

SECTION 12. If at any time the treasurer and receiver-general shall become satisfied that any bond already filed with him under the provisions of this or any other law of this Commonwealth, by any agent or general agent of any insurance company, corporation, association or partnership, has become insufficient as a security, whether from death, removal from the state, or pecuniary insufficiency of the sureties, he shall require such agent to file a new bond with another surety or sureties, with like conditions. The same penalties and prohibitions shall apply to any agent, general agent and company, corporation, association or partnership, failing, for the space of ten days after notice, to file such new bond, as are or shall be provided by law, for failure or neglect to file the original bond.

Treasurer may  
require new  
bonds.

SECTION 13. The duties required by this act to be performed by the tax commissioner may be performed by his deputy, appointed under the provisions of chapter two

hundred and eighty-three of the acts of the year eighteen hundred and sixty-five.

Insurance com-  
missioner's  
powers and  
duties.

SECTION 14. All general laws relating to the duties, obligations, prohibitions and penalties appertaining to insurance companies incorporated by authority of this Commonwealth, and all laws defining the powers and duties of the insurance commissioner in relation thereto, shall, except as herein before provided, apply to any company, corporation, association, partnership or individual, doing any kind of insurance business in this Commonwealth, by whatever authority incorporated, formed or associated.

Repeal of G. S.  
58, § 70, and part  
of § 69.

1862, 224, §§ 1, 2,  
6, 10.

1868, 165.

1870, 391.

1871, 297, §§ 7, 10.

1872, 245, 228.

1872, 325, §§ 5, 6, 8.

SECTION 15. The second sentence of section sixty-nine, and the whole of section seventy, of chapter fifty-eight of the General Statutes; sections one, two, six and ten of chapter two hundred and twenty-four of the acts of the year eighteen hundred and sixty-two; chapter one hundred and sixty-five of the acts of the year eighteen hundred and sixty-eight; chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy; sections seven and ten of chapter two hundred and ninety-seven of the acts of the year eighteen hundred and seventy-one; chapter two hundred and forty-five, chapter two hundred and twenty-eight, and sections five, six and eight of chapter three hundred and twenty-five, all of the acts of the year eighteen hundred and seventy-two; and any other acts and parts of acts, if any, inconsistent herewith, are repealed; but this repeal shall not revive any act by such acts repealed, or effect any liability already incurred under said acts, or the remedies for recovering or enforcing the same.

SECTION 16. This act shall take effect upon its passage.

*Approved March 31, 1873.*

## Ch. 142.

### AN ACT FOR THE PREVENTION OF FRAUDULENT INSURANCE.

*Be it enacted, &c., as follows:*

One-half of fine  
paid for effect-  
ing fraudulent  
insurance, &c.,  
be paid over to  
complainant.

SECTION 1. When a person is convicted of violating any law regulating the negotiation of contracts of insurance, or the placing of insurance risks in companies not authorized to transact the business of insurance in this Commonwealth, and is sentenced to pay a fine therefor, the person or persons upon whose complaint such conviction is had, shall receive one-half of the fine so paid: *provided*, that nothing contained in this section shall apply to any case

Proviso.



in which the insurance commissioner or his deputy is the complainant.

SECTION 2. This act shall take effect upon its passage.

*Approved March 31, 1873.*

AN ACT RELATING TO SOLITARY IMPRISONMENT.

*Be it enacted, &c., as follows :*

SECTION 1. Section thirty-four of chapter one hundred and seventy-eight of the General Statutes, is amended by adding the following words.

"No cell in any prison, jail or workhouse shall be used as a place for solitary imprisonment unless it is properly ventilated, and furnished with a sufficient amount of bedding to protect the inmate from any unnecessary injury to health."

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1873.*

AN ACT IN ADDITION TO THE ACTS FOR THE ERECTION AND REGULATION OF MILLS.

*Be it enacted, &c., as follows :*

SECTION 1. Whenever any person owning, erecting or maintaining a water-mill, or a dam to raise water for working such mill, upon or across any stream not navigable, under chapter one hundred and forty-nine of the General Statutes, desires to raise, erect or maintain a dam, at such height, or in such manner as to overflow or otherwise injure an existing public way, he may apply by petition to the county commissioners of the county in which such way is located, setting forth the height at which it is desired to maintain such dam, and the ways, which it is expected may be injured thereby, and asking for the alteration, change of grade, or specific repairs of such ways. Said commissioners, after a hearing upon any such petition, may order such alteration, repairs or change of grade of such ways, as will in their judgment, enable the petitioner to raise, erect and maintain such dam without overflowing or otherwise injuring such ways, and they may give written direction and authority to such petitioner to make, at his own expense such alterations, changes of grade and repairs, within a reasonable time. They shall record all such orders and cause certified copies of the same to be filed and recorded in the office of the town clerk of each town in which such alterations, changes of grade or repairs are ordered.

*Ch. 143.*

Cells in prisons used for solitary confinement to be ventilated and supplied with sufficient bedding.  
G. S. 178, § 34.

*Ch. 144.*

When a dam is to be raised across a stream not navigable, so as to overflow a public way, application is to be made to the county commissioners.

Notice of hearing to be given to parties interested.

SECTION 2. Notice of the hearing upon any such petition shall be given to the towns in which the ways are situated, and to the owners or occupants of lands affected thereby, in the same manner as notice of the laying out of highways is given: the commissioners shall assess and order to be paid by the petitioner all damages sustained by any person or corporation by reason of the alterations, changes of grade or repairs ordered by them, and any person or corporation aggrieved by such assessment, may on application within one year from the entry of such order, have the damages assessed by a jury, in the manner provided by law for the assessment of damages occasioned by the laying out or discontinuance of highways.

Costs to be paid by petitioners.

SECTION 3. The costs of all proceedings under this act shall be paid by the petitioners; and they may be required by the county commissioners to recognize with sufficient sureties for the payment of the same.

Compliance with order of commissioners to be a bar to an indictment for flowage, &c.

SECTION 4. The order of the county commissioners, duly issued under this act, shall be deemed to authorize the petitioner to do all acts necessary to be done in compliance therewith; and if it is shown that the petitioner has substantially complied with such order, no indictment shall be maintained for the flowage or injury by means of the dam of the ways mentioned in such order.

Right to maintain existing dam not impaired.

SECTION 5. Nothing in this act shall impair the right of any person or corporation to maintain any existing water-mill or dam.

SECTION 6. This act shall take effect upon its passage.

*Approved April 2, 1873.*

**Ch. 145.** AN ACT FIXING THE FEES OF CLERKS AND REGISTRARS FOR THE REGISTRY AND RETURN OF BIRTHS.

*Be it enacted, &c., as follows:*

Fee for obtaining facts relating to each birth, fixed at fifty cents.

SECTION 1. The clerk or registrar of a city or town shall receive the sum of fifty cents for receiving or obtaining, recording, indexing and returning the facts relating to each birth; but a city or town containing more than ten thousand inhabitants may limit the aggregate compensation allowed to their clerk or registrar.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1873.*

**Ch. 146.** AN ACT AUTHORIZING THE OLD COLONY RAILROAD COMPANY TO CONSTRUCT A BRANCH RAILROAD IN BARNSTABLE.

*Be it enacted, &c., as follows:*

May construct a branch through Centreville to Hyannis.

SECTION 1. The Old Colony Railroad Company may construct and maintain a branch railroad beginning at a

point in the present track of its railroad, at or near its station, at West Barnstable, in the town of Barnstable; thence running southerly to a point near the village of Marston's Mills; thence running easterly, passing through or near Centreville, into the village of Hyannis.

SECTION 2. For the purposes aforesaid the said corporation may issue new stock to an amount not exceeding two hundred thousand dollars, which may be issued to subscribers at not less than its par or market value, and upon such terms as the parties may agree.

May issue new stock not exceeding \$200,000.

SECTION 3. Said branch railroad shall be located within two years and constructed within four years from the passage of this act.

To be located within two years and built within four years.

SECTION 4. Said company for the purposes named in this act, shall have the powers and privileges, and be subject to the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Powers and duties.

*Approved April 2, 1873.*

AN ACT TO EXTEND THE TIME FOR THE LOCATION OF THE PLYMOUTH COUNTY RAILROAD.

*Ch. 147.*

*Be it enacted, &c., as follows :*

SECTION 1. The time allowed to locate the Plymouth County Railroad is extended eighteen months.

Time for location extended.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1873.*

AN ACT EXTENDING THE TIME ALLOWED FOR LOCATING THE ROAD OF THE SOUTHBIDGE AND PALMER RAILROAD COMPANY.

*Ch. 148.*

*Be it enacted, &c., as follows :*

SECTION 1. The time allowed for locating the road of the Southbridge and Palmer Railroad Company is extended one year.

Time for location extended.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1873.*

AN ACT TO AMEND THE CHARTER OF THE SPRINGFIELD STREET RAILWAY COMPANY.

*Ch. 149.*

*Be it enacted, &c., as follows :*

SECTION 1. The Springfield Street Railway Company may extend its street railway, from its present terminus in State Street, easterly to some convenient point near Eastern Avenue in said city.

May extend road in Springfield.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1873.*

**Ch. 150.** AN ACT TO INCORPORATE THE FITCHBURG STREET RAILWAY COMPANY.  
*Be it enacted, &c., as follows :*

**Corporators.** SECTION 1. John B. Proctor, Henry A. Goodrich, William F. Day, Oliver W. Mead, William Baker, Gardner P. Hawkins, John L. Butman, their associates and successors, are made a corporation under the name of the Fitchburg Street Railway Company; with authority to construct, maintain and operate a street railway, beginning at some point on the Lunenburg road near East Street, and running through Summer Street to Main, through Main to West Street; through West to River Street; through River Street to the Westminster road in West Fitchburg, and from Main Street through Water Street to the jail in South Fitchburg.

**Name and purpose.**

**Route.**

**Capital stock.** SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars. *Approved April 2, 1873.*

**Ch. 151.** AN ACT TO LEGALIZE CERTAIN ACTS AND PROCEEDINGS OF THE LYNN GAS LIGHT COMPANY.  
*Be it enacted, &c., as follows :*

**Proceedings ratified and confirmed.** SECTION 1. The vote of the Lynn Gas Light Company, passed on the eighteenth day of November, in the year eighteen hundred and seventy-two, authorizing an increase of the capital stock of said company to the sum of three hundred thousand dollars, and all subsequent proceedings under said vote, so far as the same are now entered and appear upon the records of said company, are ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.  
*Approved April 2, 1873.*

**Ch. 152.** AN ACT IN ADDITION TO THE SEVERAL ACTS CONCERNING THE FIRST PARISH IN ROWLEY.  
*Be it enacted, &c., as follows :*

**Repeal of certain acts concerning the First Parish in Rowley.** SECTION 1. The act passed on the thirteenth day of May, eighteen hundred and fifty-two, entitled an act in addition to the several acts concerning the First Parish in Rowley; and also the act passed on the fourth day of March eighteen hundred and twenty-nine, entitled an act in addition to the several acts establishing the First Parish in Rowley, are hereby repealed.

**Burial ground to be controlled by the town.** SECTION 2. All the real estate held by the said first parish of Rowley and occupied by them for a burial ground shall hereafter be held and controlled by the town of Rowley for like purposes. *Approved April 2, 1873.*

AN ACT TO AUTHORIZE THE PROPRIETORS OF THE FIRST PARISH IN NEWBURY TO SELL REAL ESTATE. *Ch. 153.*

*Be it enacted, &c., as follows:*

SECTION 1. The proprietors of the first parish in Newbury may sell all the lands belonging to said parish at public or private sale, and invest the proceeds of such sale in such manner as a majority may determine, not inconsistent with the purposes for which such lands are now held. May sell real estate.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2 1873.*

AN ACT TO ESTABLISH THE CITY OF HOLYOKE.

*Ch. 154.*

*Be it enacted, &c., as follows:*

SECTION 1. The inhabitants of the town of Holyoke shall continue to be a body politic and corporate, under the name of the city of Holyoke, and as such, shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation. City of Holyoke established.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one officer, to be called the mayor; one council of seven, to be called the board of aldermen; and one council of twenty-one, to be called the common council; which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum, for the transaction of business, and no member of either board shall receive any compensation for his services. Government vested in mayor and city council.

SECTION 3. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act, and its acceptance as herein provided, to divide said town into seven wards, so that they shall contain, as nearly as may be consistent with well-defined limits to each ward, an equal number of voters in each ward, which division may be revised by the city council within two years from the passage hereof. The city council may, in the year eighteen hundred and eighty, and in every fifth year thereafter, make a new division of said wards, so that they shall contain, as nearly as may be consistent with well-defined limits to each ward, an equal number of voters in Quorum.

Division of town into wards.

New divisions may be made every five years.

each ward, according to the census to be taken in the month of May or June in said years.

Annual election.

SECTION 4. The election of city and ward officers shall take place on the first Tuesday of December, annually, and the municipal year shall begin on the first Monday of January following.

Election of ward officers.

SECTION 5. On the first Tuesday of December, annually, there shall be elected by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year, and until others shall be elected and qualified in their stead. Said wardens shall

Ward meetings.

preside at all ward meetings, with the powers of moderators at town meetings; and if at any meeting the warden is not present, the clerk shall preside until a warden *pro tempore* is elected by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside until a warden *pro tempore* is thus elected; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is elected. When any ward officer is absent, or neglects to perform his duty, his office shall be filled *pro tempore*. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all the records, journals, documents and papers held by him in his said capacity. The inspectors shall assist the warden

Clerk and inspectors.

Ward officers to be sworn.

in receiving, assorting and counting the votes. All said officers shall be sworn to a faithful discharge of their duties, said oath to be administered by the clerk to the warden and by the warden to the clerk, and to the inspectors or to either of said officers by any justice of the peace for the county of Hampden. Certificates of such oaths shall be made by the clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and served and returned in such manner and at such times as the city council shall direct. The compensation of the ward officers shall be fixed by concurrent vote of the city council.

Meetings of citizens.

Mayor, clerk and treasurer.

SECTION 6. The mayor, city clerk, and city treasurer shall be elected by the qualified voters of the city at large, voting in their respective wards, and shall hold their offices for the municipal year next following their election, and until others shall be elected and qualified.

SECTION 7. One alderman shall be elected by and from the voters of each ward, and shall, at the time of his election, be a resident of the ward in which he is so elected. Each alderman shall hold his office for the municipal year next following his election, and until a majority of the new board shall be elected and qualified.

Aldermen.

SECTION 8. Three common councilmen shall be elected by and from the voters of each ward, and shall at the time of their election be residents of the wards respectively in which they are elected; they shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified.

Common councilmen.

SECTION 9. On the first Tuesday of December, annually, the qualified voters in the several wards shall give in their votes by ballot, for mayor, city clerk, city treasurer, aldermen and common councilmen, in accordance with the provisions of this act; and all the votes so given shall be assorted, counted, declared and recorded in open ward-meeting by causing the names of persons voted for, and the number given for each, to be written in the ward-record at length. The clerk of the ward, within twenty-four hours thereafter, shall deliver to the persons elected members of the common council, certificates of their elections respectively, signed by the warden and clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections, certified in like manner. The board of aldermen shall, within ten days thereafter, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor to be notified, in writing, of his election; but if the person elected shall refuse to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the election of mayor, and, from time to time, shall be repeated, until a mayor shall be elected and shall accept said office. In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, or in case of a vacancy in the office of mayor from any cause, it shall be the duty of the board of aldermen and common council respectively, by vote, to declare that a vacancy exists, and the cause thereof; and thereupon the city council shall, by concurrent vote, elect a mayor to fill such vacancy; and the mayor thus

Election on first Tuesday of December annually.

Certificates of election.

Mayor elect to be notified by aldermen.

In case of failure to elect mayor, or his refusal to accept office.

Vacancy.

Aldermen and councilmen to meet in convention first Monday of January and be sworn.

Common council to be organized by choice of president and clerk.

City council to organize in absence or non-election of mayor.

President of board of aldermen *pro tem*.

Each board to keep record of proceedings.

Mayor to be chief executive officer of the city.

May remove officers with consent of appointing power.

elected shall hold his office until the inability causing such vacancy shall be removed, or until a new election. Each alderman shall be notified in writing of his election by the mayor and aldermen for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace for the county of Hampden. The aldermen and common councilmen elect shall, on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor or by any justice of the peace for the county of Hampden, and a certificate of such oath having been taken, shall be entered on the journal of the mayor and aldermen, and of the common council, by their respective clerks. After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the election of a president and clerk, to hold their offices respectively during the pleasure of the common council, the clerk to be under oath faithfully to perform the duties of his said office; and his compensation shall be fixed by concurrent vote of the city council. In case of the absence of the mayor elect on the first Monday of January, or if a mayor shall not then have been elected, the city council shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor was present; and the oath of office may at any time thereafter, in convention of the two boards, be administered to the mayor, and any member of the city council who may have been absent at the organization. In the absence of the mayor, the board of aldermen may elect a presiding officer, *pro tempore*, who shall also preside at the joint meetings of the two boards. Each board shall keep a record of its own proceedings, and judge of the elections of its own members; and in case of vacancy in either board, the mayor and aldermen shall issue their warrants for a new election.

SECTION 10. The mayor shall be the chief executive officer of the city. It shall be his duty to be active and vigilant in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers; and he may, whenever in his opinion the public good may require, remove, with the consent of the appointing power, any officer over



whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination. He may call special meetings of the boards of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by causing notices to be left at the usual place of residence of each member of the board or boards to be convened. He shall from time to time communicate to both boards such information, and recommend such measures as the business and interests of the city may in his opinion require. He shall preside in the board of aldermen and in convention of the two boards, but shall have a casting vote only. His salary for the first five years, under this charter, shall be fixed by the city council, but shall not exceed the sum of five hundred dollars per annum. Afterwards, it shall be fixed by concurrent vote of the city council. It shall be payable at stated periods, but shall not, at any time, be increased or diminished during the year for which he is elected. He shall receive no other compensation.

May call special meetings of boards.

To preside in board of aldermen and in convention.

Salary.

SECTION 11. The executive power of said city generally, with all the powers heretofore vested in the selectmen of towns by the laws of the Commonwealth, shall be vested in and may be exercised by the mayor and aldermen as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, a chief of police with all the powers and duties of a constable, and all other police and all subordinate officers whose election is not herein provided for, and the same to remove at pleasure; and they may require any person who may be appointed a constable or chief of police of the city to give bonds for the faithful discharge of the duties of the office, with such security and to such amount as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in case of constable's bonds taken by the selectmen of towns. The compensation of the police and other subordinate officers shall be fixed by concurrent vote of the city council. The city council shall have the care and superintendence of the city buildings and the custody and management of all city property, with power to let what may be legally let, and to sell or purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may in their judg-

Executive power vested in mayor and aldermen.

Constables and police officers.

City council to have care of public property.

Annual report  
of receipts and  
expenditures.

ment require it; and they shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debt.

Appointments  
by mayor and  
aldermen, how  
made.

SECTION 12. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible by appointment or election to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment or election, shall be a member of the board of aldermen or of the common council. All sittings of the mayor and aldermen, of the common council, and of the city council, shall be public when they are not engaged in executive business.

Sittings not ex-  
ecutive, to be  
public.

Collector of  
taxes to be elect-  
ed in convention.

SECTION 13. The city council shall, annually, as soon after their organization as may be convenient, elect by joint ballot in convention, a collector of taxes, one or more superintendents of highways, and city physician, and by concurrent vote, a city solicitor and city auditor, who shall hold their offices respectively for the term of one year, and until their successors shall be chosen and qualified: *provided, however,* that either of the officers named in this section may be removed at any time by the city council for sufficient cause.

City solicitor  
and auditor to  
be elected by  
concurrent vote.

Proviso.

Vacancies occurring in the above-named offices may be filled at any time. The compensation of the officers mentioned in this section, together with the city clerk and city treasurer, shall be fixed by concurrent vote of the city council.

City clerk to be  
clerk of board  
of aldermen.

SECTION 14. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen; and he shall perform all the duties and exercise all the powers incumbent by law upon him. He shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, papers, documents or other things held by him in his capacity as city clerk.

Overseers of the  
poor to be elect-  
ed in convention.

SECTION 15. The city council elected in December, in the year eighteen hundred and seventy-three, shall, as soon after their organization as may be convenient, elect by joint ballot in convention three persons to be overseers

of the poor, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner one person who shall hold his office for the term of three years next ensuing, and until another shall be elected and qualified in his stead. The persons so elected shall, with the mayor and president of the common council, constitute the board of the overseers of the poor. The mayor shall be *ex officio* chairman of the board. Vacancies occurring in the board may be filled by joint ballot of the city council at any time; the person so elected to hold office only for the unexpired term of the member who has ceased to hold office. The city council may at any time remove any elected member of the said board from office for cause. The compensation of the overseers of the poor shall be fixed by concurrent vote of the city council. No more than one of the three members shall be eligible for said office from any one ward of said city.

Mayor to be  
chairman of  
board.  
Vacancies.

SECTION 16. The city council elected in December in the year eighteen hundred and seventy-three, shall, as soon after their organization as may be convenient, elect by concurrent vote three persons to be assessors of taxes, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner, one person who shall hold his office for the term of three years next ensuing, and until another shall be elected and qualified in his stead. The persons so elected shall constitute the board of assessors, and shall exercise the powers, and be subject to the liabilities and duties of assessors in towns. Vacancies occurring in the board may be filled by concurrent vote of the city council at any time, the person so elected to hold office only for the unexpired term of the member who has ceased to hold office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof. The compensation of the assessors shall be fixed by concurrent vote of the city council.

Assessors of  
taxes to be  
elected by con-  
current vote.

Vacancies.

Compensation.

SECTION 17. The school committee of the city shall consist of nine persons, two of whom shall be chosen from the city at large and one by and from the voters of each

School commit-  
tee.

ward. On the first Tuesday of December in the year eighteen hundred and seventy-three, there shall be chosen members of the committee from wards one and three, and one from the city at large, to serve for the term of three years from the first Monday of January next ensuing; from wards two, four and six, members to serve for the term of two years from the first Monday of January next ensuing; and from wards five and seven, and one from the city at large, members to serve for the term of one year from the first Monday of January next ensuing; and at each subsequent election there shall be elected three members of the school committee to hold their office for the term of three years, as successors of those whose term of office expires at the expiration of the then municipal year. In voting for school committee at any election, the persons intended for the members of the committee from the city at large, shall be indicated on the ballot by the words "at large" set against their names, and the other persons shall be voted for in their respective wards. The persons so chosen shall, with the mayor, constitute the school committee, and have the care and superintendence of the public schools. The mayor shall be *ex officio* chairman of the board. And all the rights and obligations of the town of Holyoke in relation to the grant and appropriation of money to the support of the schools, and the special powers and authority heretofore conferred by law upon the inhabitants of said town, to raise money for the support of schools therein, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools and the erection and repairs of school-houses in said city shall be made by the city council, in the same manner as grants and appropriations are made for other city purposes. Vacancies occurring in the board may be filled by joint ballot of the city council and school committee at any time, the members so elected to hold office only for the remainder of the municipal year. The said committee shall appoint from their own number, or otherwise, a secretary, who shall also under the direction and control of said committee be the superintendent of the schools, and the compensation of such secretary shall be determined from year to year by the city council.

Mayor to be  
chairman of  
board.

Vacancies, how  
filled.

SECTION 18. The city council elected in December, in the year eighteen hundred seventy-three, shall, as soon as may be convenient after their organization, elect by joint ballot three persons to be water commissioners, one for three years, one for two years and one for one year, and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner one person who shall hold his office for the term of three years next ensuing, and until another shall be elected and qualified in his stead. Vacancies occurring in the commission may be filled by joint ballot of the city council at any time. The city council may, at any time, remove any member of said commission from office for cause. The compensation of the water commissioners shall be fixed by concurrent vote of the city council.

Water commissioners to be elected by joint ballot.

Vacancies, how filled.

SECTION 19. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal after their election out of their respective ward into any other wards of the city; but a permanent residence out of the city shall cause a vacancy to exist in the offices to which they were elected.

City and ward officers to continue in office notwithstanding their removal to another ward.

SECTION 20. The city council shall take care that no money be paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties, and sureties from all persons entrusted with the receipt, custody or disbursement of money.

City council to take care that no money is paid from treasury unless granted.

SECTION 21. The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way, shall first be acted upon by the mayor and aldermen; and any person dissatisfied with the decision of the city council in the estimate of damages, may make complaint to the county commissioners of the county of Hampden at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are now provided by the laws of this Commonwealth, in cases where persons are aggrieved by the assessment of damages by selectmen, in the forty-third chapter of the General Statutes: *provided*, that no bridge or highway

City council to lay out streets and estimate damages.

Proviso.

Proviso.

shall be placed by said city government over the canals or raceways of the Holyoke Water Power Company, now or hereafter to be built, without a clear space of at least five feet for the passage of boats between said bridges or highways and the top or surface water-line of the canals when full; and *provided, also*, that the soil or superstructure of the banks of the canals or raceways, within twenty feet of the sides of said canals or raceways, shall not for any purpose be dug up or removed by the authority of the city government below a point one foot above the water-line of said canals when full, except under the joint approval and direction of the Holyoke Water Power Company and the city government of Holyoke. In case said Holyoke Water Power Company and said city government are unable to agree as to the time, extent or manner of digging or removing the soil or superstructure of the banks of said canals or raceways, as aforesaid, any justice of the supreme judicial court is authorized, in vacation or term time, upon petition by either of said parties, and upon such notice to the other party as may be ordered, to appoint a suitable engineer, who shall have the power to determine the time, extent and manner of digging or removing the soil or superstructure of said banks, as aforesaid, and shall superintend the same. The said justice shall also determine by which party or parties, and in what proportions, the costs of said proceedings and the salary of said engineer shall be paid.

Lists of voters to be made by mayor and aldermen and delivered to ward clerks.

List to be posted in each ward.

SECTION 22. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and, for that purpose, they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, assistant assessors, and other city officers; and they shall deliver the lists so prepared and corrected to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list. A list of the voters of each ward shall be posted in one or more public places in each ward: *provided, however*, that any person whose name shall not be borne on the list of the ward in which he is entitled to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon, at

any time thereafter before the closing of the polls, upon presenting to the ward officers a certificate, signed by the mayor or city clerk, setting forth his right to have his name so entered.

SECTION 23. General meetings of the citizens qualified to vote, may from time to time be held, to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth. And such meetings may and shall be duly warned by the mayor and aldermen, upon the request, in writing, setting forth the purposes thereof, of fifty qualified voters. General meetings of citizens.

SECTION 24. All power and authority now vested by law in the board of health for said town, or in the selectmen thereof, shall be transferred to and vested in the city council, to be by them exercised in such manner as they may deem expedient. Board of health.

SECTION 25. The city council may make by-laws with suitable penalties for the inspection, survey, measurement and sale of lumber, wood, hay, coal and bark brought into or exposed in said city for sale, and shall have the same powers as the town had in reference to the suspension of the laws for the protection and preservation of useful birds, and of all other laws, the operation or suspension of which is subject to the action of the town thereon. The city council may also make all such salutary and needful by-laws as towns by the laws of this Commonwealth have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof; which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court, but subject to the approval of the mayor: *provided, however*, that all laws and regulations in force in said town shall remain in force until they expire by their own limitation, or are revised or repealed by the city council; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury. City council may make by-laws for inspection of lumber, coal, &c.

May make such by-laws as towns have power to make.

Proviso.

SECTION 26. All elections of national, state, county and district officers who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections in their respective wards, at the time fixed by law for these elections respectively. Election of national, state, county and district officers.

"Act to Supply the Town of Holyoke with Pure Water" continued in force.

SECTION 27. All the rights, privileges, powers and authority vested in said town of Holyoke by chapter sixty-two of the acts of the year eighteen hundred seventy-two, entitled "An Act to supply the Town of Holyoke with Pure Water," and by the votes of said town passed in accordance with said act, except the number and election of water commissioners, shall continue in force, and be transferred to and vested in the city council, to be by them exercised in such manner as they may deem expedient.

Judicial district to continue. 1871, 173.

SECTION 28. The judicial district created by chapter one hundred seventy-three of the acts of the year eighteen hundred and seventy-one, shall be and continue a judicial district under the jurisdiction of the police court established by said chapter; anything in this act to the contrary notwithstanding.

Orders, &c., requiring concurrent vote, and orders of either branch involving expenditure of money, to be presented to mayor for his approval.

SECTION 29. Every ordinance, order, resolution or vote to which the concurrence of the board of aldermen and of the common council may be necessary, except on a question of a convention of the two branches, and every order of either branch involving the expenditure of money, shall be presented to the mayor; if he approves thereof, he shall signify his approbation by signing the same; but if not, he shall return the same with his objections to the branch in which it originated, who shall enter the objections of the mayor at large on their records, and proceed to reconsider said ordinance, order, resolution or vote; and if, after such reconsideration, two-thirds of the board of aldermen or common council, present and voting thereon, notwithstanding such objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the city council, if it originally required concurrent action, where it shall also be reconsidered, and if approved by two-thirds of the members present it shall be in force; but in all cases the vote shall be determined by yeas and nays. If any such ordinance, order, resolution or vote shall not be returned by the mayor within ten days (Sundays excepted) after it shall have been presented, the same shall be in force. But the veto power of the mayor shall not extend to the election of officers required by any law or ordinance to be chosen by the city council in convention or by concurrent action, unless expressly so provided therein. In all cases where anything is or may be required or authorized by any law

May be passed over his veto by a two-thirds vote.



or ordinance to be done by the mayor and aldermen, the board of aldermen shall first act thereon; and any order, resolution or vote of said board shall be presented to the mayor for his approval, in the manner provided in this section.

SECTION 30. The city council may establish a fire department, to consist of a chief engineer and as many assistant-engineers, engine-men, hosemen and hook and ladder men as the city council, by ordinance, shall, from time to time, prescribe; and said city council may make provisions in regard to the time and mode of appointment, and the occasion and mode of removals, of said officers or members, and define their office and duties, and in general to make such regulations concerning their pay, conduct and government, and concerning the management and conduct of fires and persons attending fires, subject to all penalties provided for the breach of the city ordinances, as they shall deem expedient: *provided*, that the appointment of engine-men, hosemen and hook and ladder men shall be made by the mayor and aldermen, exclusively. The engineers and other officers of the fire department, so appointed, shall have the same authority in regard to the prevention and extinguishment of fires and the performance of the other offices and duties now incumbent upon fire-wards as are now conferred upon fire-wards by the General Statutes now in force, and the compensation to the fire department shall be fixed by a concurrent vote of the city council.

Fire depart-  
ment.

SECTION 31. The city council shall have power to establish fire-limits within the city, and, from time to time, change or enlarge the same; and, by ordinance, they shall regulate the construction of all buildings erected within said fire-limits, stipulating their location, size, and the material of which they may be constructed, together with such other rules and regulations as may tend to insure the same from damage by fire; they shall also have the sole care and management of the public grounds belonging to said city, and of all the shade and ornamental trees standing and growing thereon; and also of all the shade and ornamental trees standing and growing in or upon any of the public streets and highways of said city.

City council may  
establish fire  
limits, regulate  
construction of  
buildings, &c.

SECTION 32. The inhabitants of any fire district, organized according to law, in the said town, at any legal

Fire districts  
may be dissolved  
by the voters,

and apparatus  
may be sold.

meeting of the qualified voters thereof, called for the purpose, may vote to dissolve their said fire district, and to annul the organization thereof, and may dispose of the fire apparatus and other property of the district, and appropriate the proceeds thereof in such manner as they judge best; and thereafter such fire district shall be dissolved, and their powers and privileges, and their duties and liabilities shall cease: *provided*, that the said districts shall continue liable to pay all their existing debts and to perform all legal contracts. If the said district or districts shall by vote so elect, the city shall purchase the fire apparatus and other property of such district, at a fair valuation, not exceeding the amount paid by the district therefor; and shall pay the debts and liabilities of the district so far as the amount of such valuation may be sufficient therefor; and if the amount of the valuation exceeds the amount of the debts and liabilities of the district, such excess shall be allowed upon and deducted from the city taxes, then next assessed upon the inhabitants of such fire district, in the proportions severally assessed upon them in the tax-lists by the assessors.

Proviso.

City council to  
elect officers  
when other pro-  
vision is not  
made.

SECTION 33. The city council shall, in such manner as they may determine, elect or appoint all other subordinate officers, for whose election or appointment other provision is not herein made, define their duties and fix their compensation.

Repeal.

SECTION 34. All acts and parts of acts inconsistent with this act are repealed: *provided, however*, that the repeal of the said acts shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect; and that no offence committed, and no penalty or forfeiture incurred under any act hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal; and that no suit or prosecution pending at the time of the said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under said acts, shall be affected by such repeal; and *provided, also*, that all persons who, at the time said repeal takes effect, shall hold any office under the said acts, shall continue to hold the same until the organization of the city government, contemplated by this charter, shall be completely effected.

Proviso.

SECTION 35. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Holyoke for the time being, shall issue their warrants seven days at least previous to the first Tuesday of December of the present year, calling meetings of the citizens of each ward on that day, at such place and hour as they may deem expedient, for the purpose of electing a warden, clerk and inspectors for each ward and all other officers whose election is fixed for that day; and the transcripts of the records in each ward, specifying the votes given for the several officers aforesaid, at said meeting and certified by the warden and clerk of the ward, shall be returned to said selectmen, whose duty it shall be to examine and compare the same and give notice thereof in manner before provided, to the several persons elected.

First meeting  
for election of  
city officers.

At said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as herein before provided. After the election of the city officers as aforesaid, the selectmen shall appoint a place for their first meeting, and shall, by written notice left at the place of residence of each member, notify them thereof. It shall be the duty of the city council, immediately after the first organization, to carry into effect the several provisions of this act.

Lists of voters to  
be prepared by  
selectmen to be  
used at elec-  
tions.

SECTION 36. This act shall be void, unless the inhabitants of the town of Holyoke at a legal town meeting called for that purpose, shall within ninety days from the passage of this act, by a vote of a majority of the voters present, voting thereon as hereinafter provided, determine to adopt the same. At said meeting the votes shall be taken by written or printed ballots, and the polls shall be kept open not less than six hours. The selectmen shall preside in said meeting, and in receiving said ballots shall use the check-lists in the same manner as they are used in elections of state officers.

Act void unless  
accepted by a  
majority vote  
within ninety  
days.

SECTION 37. This act shall take effect upon its passage.

*Approved April 7, 1873.*

AN ACT AUTHORIZING THE CONSTRUCTION OF A NEW STATE PRISON BUILDING.

*Ch. 155.*

*Be it enacted, &c., as follows:*

SECTION 1. The governor, with the advice and consent of the council, is authorized to appoint three per-

Commissioners  
to purchase site  
and build new  
state prison.

sons, who shall be a board of commissioners, with full power to select a plan of a state prison from such as may be presented by different architects, to purchase an eligible site therefor within the limits of the Commonwealth, and to cause to be erected thereon a suitable prison, for the safe confinement of such prisoners as by law are or may be confined in the state prison, and with accommodations for one thousand prisoners, together with such household accommodations for the warden and his family and for subordinate officers and attendants as the said board may deem necessary.

To make contracts and employ agents.

Said board shall have power to make all contracts and employ all agents necessary to carry into effect the provisions of this act: *provided*, that the aggregate expenses and liabilities incurred by virtue hereof shall not exceed the sum of one million dollars; and *provided, further*, that the selection and purchase of a site, the plans of said prison, and all contracts made by said board in carrying out the provisions of this act, shall be subject to the approval of the governor and council, and the work shall be at all times under their supervision, with power at any time to order a discontinuance of the same.

Vacancies in board.

SECTION 2. Should any vacancy occur in said board of commissioners, by resignation or otherwise, the governor, with the advice and consent of the council, may fill such vacancy by a new appointment, and may, in the same manner, remove any commissioner.

Compensation to be fixed by governor and council.

The compensation of each of said commissioners shall be established by the governor and council and they shall keep an account of their actual services and expenses, to be allowed upon the approval of the governor and council, and shall make an accurate report of the amount of their expenditures and all their doings, to the governor and council at least once every three months during their term of service. They shall also report, in print, to the legislature, annually, on or before the tenth day of January, their doings during the year preceding; and shall be required to complete the work provided for in the first section, within three years from the date of their appointment, as authorized in said section.

Report to be made to the legislature.

Treasurer may borrow from the sinking funds to meet expenses.

SECTION 3. In order to meet any expenses incurred by said board under the provisions of this act, the treasurer and receiver-general is authorized to borrow such sums, not exceeding in the aggregate one million

dollars, as may be necessary, from any of the sinking funds of the Commonwealth having uninvested moneys in their possession, giving therefor to said sinking funds the Commonwealth's promissory notes, payable on demand; said notes to bear interest at the rate of six per centum per annum, payable semi-annually in currency.

SECTION 4. The proceeds of the sale of the prison at Charlestown, and of all property belonging to the Commonwealth therewith connected, shall be paid into the treasury of the Commonwealth, to be applied, from time to time, to the redemption of any notes given under authority of the preceding section of this act; and if the proceeds of such sale should not be sufficient for the redemption of said notes, the deficiency shall be supplied from the ordinary revenue of the Commonwealth; and any excess of such proceeds shall accrue to said ordinary revenue.

Proceeds of sale of prison at Charlestown to be paid into state treasury.

SECTION 5. This act shall take effect upon its passage.

*Approved April 7, 1873.*

AN ACT TO INCREASE THE COMPENSATION OF ASSESSORS OF TAXES.

*Be it enacted, &c., as follows:*

Section fifty-two of chapter eleven of the General Statutes is amended by striking out the word "one," and inserting instead thereof the word "two."

*Ch. 156.*

Amendment to G. S. 11, § 52.

*Approved April 7, 1873.*

AN ACT RELATING TO THE COMPENSATION OF MEMBERS OF SCHOOL COMMITTEES.

*Be it enacted, &c., as follows:*

SECTION 1. Section thirty-four of chapter thirty-eight of the General Statutes is amended, by striking out the words "one dollar," after "towns," and inserting instead thereof, the words "two dollars."

*Ch. 157.*

Amendment to G. S. 38, § 34.

SECTION 2. This act shall take effect upon its passage.

*Approved April 7, 1873.*

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY OF THE ACTS OF EIGHTEEN HUNDRED AND SEVENTY-TWO, RELATING TO LAND FOR A NORMAL SCHOOL AT WORCESTER.

*Be it enacted, &c., as follows:*

SECTION 1. So much of section one, chapter three hundred and eighty, of the acts of eighteen hundred and seventy-two, passed at the special session, as provides that the sum of twenty-five thousand dollars be paid for land for the normal school at Worcester, from the moiety

*Ch. 158.*

Amendment to 1872, 380, § 1.

of the income of the school fund, applicable to educational purposes, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

*Approved April 7, 1873.*

**Ch. 159.** AN ACT IN ADDITION TO AN ACT TO SUPPLY THE TOWN OF WOBURN WITH PURE WATER.

*Be it enacted, &c., as follows:*

Water commis-  
sioners to hold  
office for three  
years.

SECTION 1. The inhabitants of the town of Woburn shall, at their annual meeting in the month of April, in the year eighteen hundred and seventy-three, choose one member of the board of water commissioners, to hold office for the term of three years; and at their annual meeting in April, in the year eighteen hundred and seventy-five, they shall choose two members of said board to hold office, one for the term of two years, and one for the term of three years; and they shall, at their annual meetings in April, in the year eighteen hundred and seventy-six, and in each succeeding year, choose one member of said board, to hold office for the term of three years.

SECTION 2. This act shall take effect upon its passage.

*Approved April 7, 1873.*

**Ch. 160.** AN ACT TO RELIEVE THE TOWN OF SAUGUS OF A PORTION OF THE EXPENSE OF REPAIRING A CERTAIN HIGHWAY AND BRIDGES.

*Be it enacted, &c., as follows:*

Saugus relieved  
from portion of  
expense of sup-  
porting highway  
and bridges.

SECTION 1. That the town of Saugus, being by law required to support, maintain and keep in repair that portion of the public highway and bridges formerly belonging to the Salem Turnpike and Chelsea Bridge Corporation, within the limits of said town, and extending from the west end of the bridge over Saugus River to the bridge over Chelsea Creek in the town of Saugus, shall be entitled to receive annually from the county of Essex, three-fourths of the amount of the expenses actually incurred and expended by said town during the year, in the support, maintenance and repair of said highway and bridges: *provided*, that said town shall not be entitled to receive in any one year, a sum exceeding the sum of one thousand dollars.

Proviso.

Selectmen to  
make annual  
return to com-  
missioners, of  
items of ex-  
penses.

SECTION 2. It shall be the duty of the selectmen of Saugus, annually, in the month of February, to make to the county commissioners of the county of Essex a return under oath of the amount and items of expense for the year preceding, in repairing said highway and

bridges; and the proportion of such expenses, allowed by section one, shall be payable to said town in thirty days after said return: *provided*, that the county commissioners aforesaid, may at any time examine said highway and bridges, and said town shall make such repairs as said commissioners may at any time order. Proviso.

SECTION 3. Nothing in this act contained, shall relieve the town of Saugus from its duty to keep in repair the said highway and bridges, or from its liability for defects in the same, or impose upon the county of Essex any obligation or liability in relation to the same, except as herein before provided. Saugus not relieved from duty of making repairs, &c.

SECTION 4. This act shall take effect upon its passage.

*Approved April 7, 1873.*

AN ACT TO FACILITATE THE COMPLETION AND EQUIPMENT OF THE  
WINTHROP RAILROAD.

*Ch. 161.*

*Be it enacted, &c., as follows:*

SECTION 1. The town of Winthrop may subscribe for shares in the capital stock of the Winthrop Railroad Company, to an amount not exceeding twenty thousand dollars, and pay for the same out of the treasury of said town; and may hold the same as town property, subject to the disposition of said town, for public purposes, and in like manner as any other property which it may possess: *provided*, that two-thirds of the legal voters of said town, present and voting, shall vote so to do at any legal meeting called for the purpose. Town may take stock in the Winthrop R. R. not exceeding \$20,000.

SECTION 2. Said town may raise, by loan, tax or bonds, any sum of money which may be required for the purpose provided in the preceding section and the interest thereon, or instead of paying for said shares in money, said town may subscribe for and take said shares in payment of a promissory note secured by a mortgage of said company to said town, and may discharge said mortgage. Proviso.

SECTION 3. Said Winthrop Railroad Company may issue bonds, to an amount not exceeding forty thousand dollars, bearing interest at a rate not exceeding seven per centum per annum, and payable at such time within twenty years from their date, as may be designated; and may make a mortgage on its franchise and property to one or more trustees, to secure the payment of said bonds and interest: *provided*, that said company at a meeting legally called for the purpose, shall vote to issue said bonds and make said mortgage. May raise money by loan or taxation.

Railroad may issue bonds not exceeding \$40,000.

Proviso.

Town may receive bonds in payment of note secured by mortgage.  
Proviso.

SECTION 4. Said town of Winthrop may receive said bonds, at their par value, in payment of the aforesaid promissory note secured by said mortgage now held by said town: *provided*, that said town shall by a two-thirds vote, at a meeting called for the purpose decide so to do.

Selectmen to subscribe for stock and represent town at meetings of corporation.

SECTION 5. The said town of Winthrop, by its selectmen, shall subscribe for such number of shares in the capital stock of said company, as shall be voted by said town; and said selectmen are authorized to cast the vote of said town in the choice of the directors of said company, and to appear and act in behalf of said town, in the transaction of any business of said company, so long as said town shall hold stock in said company, and hold said bonds as town property.

SECTION 6. This act shall take effect upon its passage.

*Approved April 7, 1873.*

**Ch. 162.** AN ACT TO INCORPORATE THE TRUSTEES OF THE DELTA PSI SOCIETY OF WILLIAMS COLLEGE.

*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. Charles E. Morris, William H. Morrison and Melville Eggleston, their associates and successors, are made a corporation under the name of the Trustees of the Delta Psi Society of Williams College, for the purpose of holding and managing the real estate and personal property of said society; with the powers and privileges, and subject to the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Real and personal estate not exceeding \$20,000.

SECTION 2. The said corporation may receive, purchase, hold and convey real and personal property for the uses of the above named society: *provided*, that the value of the real estate so held at any time shall not exceed twenty thousand dollars, and said property shall not be exempt from taxation.

SECTION 3. This act shall take effect upon its passage.

*Approved April 7, 1873.*

**Ch. 163.** AN ACT TO ENABLE THE EAST PARISH IN RANDOLPH, NOW HOLBROOK, TO SELL ITS REAL ESTATE.

*Be it enacted, &c., as follows:*

May sell real estate.

SECTION 1. The East Parish in Randolph, now Holbrook, may sell and dispose of its real estate and property: *provided*, that the pew-holders in the meeting-house of said parish by a three-fourths vote, at a meeting regularly

Proviso.



called, shall decide so to do; and *provided, further*, that the proceeds of such sale shall be expended in enlarging the present meeting-house of the "Winthrop Church," in said Holbrook.

SECTION 2. This act shall take effect upon its passage.

*Approved April 7, 1873.*

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AN ACT RELATING TO THE CERTIFICATES OF AUTHORITY OF INSURANCE BROKERS.

*Ch. 164.*

*Be it enacted, &c., as follows:*

SECTION 1. Section three of chapter ninety-three of the acts of the year eighteen hundred and sixty-nine, is amended by striking out the words, "until the first day of April next after the date thereof; and shall be renewed on said day and annually thereafter," and by inserting instead thereof the words, "for one year from the date thereof."

Amendment,  
1869, 93, § 3.

SECTION 2. This act shall take effect upon its passage.

*Approved April 7, 1873.*

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AN ACT FURTHER TO PROVIDE FOR ASSESSING THE EXPENSE OF RELOCATING HIGHWAYS.

*Ch. 165.*

*Be it enacted, &c., as follows:*

SECTION 1. Section twelve of chapter forty-three of the General Statutes is amended by inserting the words "abutters or the," before the word "petitioners."

Amendment to  
G. S. 43, § 12.

SECTION 2. This act shall take effect upon its passage.

*Approved April 7, 1873.*

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AN ACT RELATING TO THE BOARD OF TRUSTEES AND THE ADVISORY BOARD OF THE STATE INDUSTRIAL SCHOOLS FOR GIRLS.

*Ch. 166.*

*Be it enacted, &c., as follows:*

The board of trustees of the State Industrial School for Girls shall hereafter consist of ten members, of whom the three hereby added shall be women. The present members of the advisory board of women are hereby made the said additional members of the board of trustees until their present respective terms expire, and vacancies shall be filled in the manner and for the terms provided by section one of chapter one hundred and fifty-three of the acts of the year eighteen hundred and sixty-eight; and upon this act taking effect said advisory board shall be discontinued.

Ten trustees,  
three of whom  
shall be women.

Vacancies.

*Approved April 7, 1873.*

*Ch.* 167. AN ACT TO AUTHORIZE THE FORMATION OF COMPANIES TO INSURE AGAINST LOSS OR DAMAGE BY BREAKAGE OF PLATE-GLASS, AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows :*

Insurance of  
plate-glass  
against damage  
by breakage.

SECTION 1. Any ten or more persons, residents of this Commonwealth, who shall have associated themselves together by an agreement in writing, as set forth in section two, chapter three hundred seventy-five of the acts of the year one thousand eight hundred and seventy-two, with the intention to constitute a corporation for the purpose of transacting the business of insurance of plate-glass against loss or damage by breakage, local or in transit, shall become a corporation upon complying with the provisions of sections five to nine, inclusive, of chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-two, and shall remain a corporation, with the powers and privileges, and subject to the duties, liabilities and restrictions set forth in the general laws which are or may be in force relating to insurance companies, so far as the same are applicable to this class of insurance.

Powers and  
duties.

Capital stock.

SECTION 2. The capital stock of any such company shall not be less than fifty thousand dollars, and no policy shall be issued until the whole amount of its capital has been paid in in cash.

Foreign corpo-  
rations doing  
business in this  
state to be sub-  
ject to laws  
regulating fire  
insurance.

SECTION 3. Foreign corporations insuring plate-glass, as described in section one of this act, and doing business in this state, and any agent or agents of such corporations, who may aid in receiving or procuring applications for insurance on plate-glass, or who may assist in any manner in transacting the business aforesaid, shall be entitled respectively to the powers, and privileges, and shall be subject to the duties, liabilities and restrictions set forth in the laws regulating the business of fire insurance by foreign corporations, and by the agents of such corporations, so far as such laws are applicable to this class of insurance; except that such corporations shall not be required to possess a larger amount of actual capital than is required by the second section of this act for companies in this Commonwealth.

SECTION 4. This act shall take effect upon its passage.

*Approved April 7, 1873.*

## AN ACT RELATING TO THE LEE AND HUDSON RAILROAD COMPANY.

Ch. 168.

*Be it enacted, &c., as follows :*

SECTION 1. The Lee and Hudson Railroad Company may with its track cross at grade the track of the Stockbridge and Pittsfield Railroad Company, at a point not less than fifty nor more than two hundred feet west of the heel of the switch of the said Stockbridge and Pittsfield Railroad Company, which is next westerly of its depot at Stockbridge. The damage caused thereby to said Stockbridge and Pittsfield Railroad Company and its lessees, the Housatonic Railroad Company, shall be determined in accordance with the provisions of an agreement between said Lee and Hudson Railroad Company and said Housatonic Railroad Company, dated on the twenty-seventh day of December, in the year eighteen hundred and seventy-two.

May cross at grade the track of Stockbridge and Pittsfield R. R.

Damages.

SECTION 2. Said Lee and Hudson Railroad Company may enter with its railroad upon, unite the same with and use the road of the Berkshire Railroad Company, and the Berkshire Railroad Company may enter with its road upon, unite the same with and use the road of the Lee and Hudson Railroad Company at West Stockbridge, subject to the provisions of the general laws.

May unite with Berkshire R. R.

SECTION 3. This act shall take effect upon its passage.

*Approved April 7, 1873.*

## AN ACT TO AUTHORIZE THE TOWN OF HOLYOKE TO HOLD ADDITIONAL SHARES OF THE CAPITAL STOCK OF THE HOLYOKE AND WESTFIELD RAILROAD COMPANY.

Ch. 169.

*Be it enacted, &c., as follows :*

SECTION 1. The town of Holyoke may subscribe for and hold shares in the capital stock of the Holyoke and Westfield Railroad Company, in addition to those it now holds, but subject to the provisions and limitations provided by law in respect to towns having less than twelve thousand inhabitants.

May take additional stock in Holyoke and Westfield R. R.

SECTION 2. This act shall take effect upon its passage.

*Approved April 7, 1873.*

## AN ACT TO EXTEND THE TIME ALLOWED FOR FILING THE LOCATION AND FOR THE CONSTRUCTION OF THE ROAD OF THE EXETER AND SALISBURY RAILWAY COMPANY.

Ch. 170.

*Be it enacted, &c., as follows :*

SECTION 1. The time allowed for filing the location and for the construction of the road of the Exeter and

Time extended for filing location.

Salisbury Railway Company, is extended to the twenty-seventh day of April eighteen hundred and seventy-four.

SECTION 2. This act shall take effect upon its passage.

*Approved April 7, 1873.*

**Ch. 171.** AN ACT TO AUTHORIZE THE LOWELL HORSE RAILROAD COMPANY TO INCREASE ITS CAPITAL STOCK.

*Be it enacted, &c., as follows:*

May increase capital stock.

SECTION 1. The Lowell Horse Railroad Company may add to its paid-up capital the amount of its earnings which have been expended by it in construction, equipment and real estate: *provided*, that the paid-up capital, when so increased, shall not thereby be made to exceed eighty per centum of the capital authorized by its charter.

Sworn certificate to be filed with commissioners.

SECTION 2. Before making the above increase, the president and treasurer shall file with the railroad commissioners a sworn certificate setting forth the amount of earnings so expended, and that the property built or purchased therewith is still in the possession of the company, and used in operating its road.

Directors may issue new certificates of stock.

SECTION 3. The directors are authorized to call in and cancel the existing certificates of stock, and to issue in their stead certificates for as many full-paid shares, at a par value of one hundred dollars, as will be covered by the paid-up capital, as increased under the first section, and the par value of the shares shall thereafter be one hundred dollars.

Each existing share to be a right.

SECTION 4. Each of the existing shares shall be deemed a right, and the holders of such rights shall be entitled, on demand, to receive certificates for as many full-paid shares, at a par value of one hundred dollars each, as will give each holder, as near as may be, the same proportionate interest in the stock as he would otherwise have had. Such rights may be transferred in the same manner as the stock of the company, but shall not entitle the holder to a vote in the meetings of the company.

Rights may be transferred.

When to take effect.

SECTION 5. This act shall take effect on the first day of June, in the year one thousand eight hundred and seventy-three, and shall be null and void unless the directors proceed to execute its provisions within one year from that date.

*Approved April 7, 1873.*

AN ACT TO AMEND AN ACT TO INCORPORATE THE STONEHAM ODD FELLOWS' HALL ASSOCIATION.

*Ch.* 172.

*Be it enacted, &c., as follows :*

SECTION 1. The second section of chapter one hundred and twenty of the acts of the year eighteen hundred and seventy-two, is amended by striking out the words "one hundred," and inserting in place thereof the words "twenty-five."

Amendment to 1872, 120, § 2.

SECTION 2. This act shall take effect upon its passage.

*Approved April 7, 1873.*

AN ACT TO LEGALIZE THE ACTS AND PROCEEDINGS OF THE FIFTH CONGREGATIONAL SOCIETY OF SPRINGFIELD, AND TO CHANGE THE NAME THEREOF.

*Ch.* 173.

*Be it enacted, &c., as follows :*

SECTION 1. The organization of the Fifth Congregational Society of Springfield, and all subsequent reorganizations and proceedings of said society, under different names, so far as the same are entered and now appear upon the records of said society, in the possession of the clerk thereof, are ratified and confirmed, and the same shall be taken to be good and valid in law to all intents and purposes; and the several persons now appearing by said records to have been chosen as officers of said corporation, may perform all their respective official duties, until their successors are chosen and qualified; and all acts performed by said officers in their official capacities are ratified and confirmed.

Organization of society ratified and confirmed.

SECTION 2. Said society shall hereafter be called the First Congregational Society of Chicopee, and may hold and possess all the real estate and personal property, and shall be entitled to all the rights and privileges, and be subject to all the liabilities of the society called as aforesaid.

Name changed to First Cong. Society of Chicopee.

SECTION 3. Said society may purchase and hold real estate in addition to that already held, to an amount not exceeding twenty-five thousand dollars.

\$20,000 additional real estate.

SECTION 4. This act shall take effect upon its passage.

*Approved April 7, 1873.*

AN ACT IN ADDITION TO AN ACT INCORPORATING THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

*Ch.* 174.

*Be it enacted, &c., as follows :*

SECTION 1. Perpetual right is granted to the Massachusetts Institute of Technology to hold, occupy and

Grant of lot of land in Boston, free of rent.

Description of  
land.

control, free of rent or charge by the Commonwealth, for the uses and purposes of said institute, a parcel of land situated in that part of Boston called the back bay, and described as follows: a lot in the form of a trapezoid, lying at the intersection of Bolyston Street and Huntington Avenue, bounded by said street and avenue, and on the west by abutting land, as laid down on the selling-plan of the commissioners on public lands, and containing thirteen thousand one hundred and ninety-four square feet; said lot to be subject to the limitations and stipulations relative to lands of the Commonwealth on the south side of Boylston Street, and to be reserved from sale forever.

Right granted,  
subject to stipu-  
lations con-  
tained in former  
acts.

SECTION 2. The right hereby granted to said institute shall be held subject to the same stipulations in relation to membership, the reception of pupils, the erection of a building, and the care of the lot, as are created and established by the several acts relating to said institute.

Land to revert to  
Commonwealth  
if not used for  
its legitimate  
objects.

SECTION 3. In case said institute appropriates said lot of land to any purpose or use foreign to its legitimate objects, then the Commonwealth, after due notice given, may enter upon said lot and take possession thereof, and the right of the said institute to the use, occupation and control of said lot shall thereupon cease.

SECTION 4. This act shall take effect upon its passage.

*Approved April 8, 1873.*

## Ch. 175.

### AN ACT RELATING TO THE MANAGEMENT OF LOCK-UPS.

*Be it enacted, &c., as follows:*

Keepers of lock-  
ups to be ap-  
pointed.

SECTION 1. It shall be the duty of mayors of cities, and of the selectmen in towns, now required by law to keep and maintain a lock-up, to appoint annually a keeper, who shall have the custody and care of the lock-up, and of persons committed thereto. Such appointment shall be in writing, and for the term of one year, unless sooner removed; and shall be recorded in the city or town clerk's office. The person appointed shall signify his acceptance of the appointment within three days after he has notice thereof, and shall be sworn to the faithful discharge of the duties of his office.

Keepers to have  
power of police  
officers.

SECTION 2. Persons appointed keepers under the first section of this act, shall have all the powers of police-officers, and shall have such compensation as may be fixed by the said mayors and selectmen at the time of their appointment, to be paid by the city or town; and there

may be charged on the warrant or other precept of the officer, if any, a sum not exceeding fifty cents a day for keeping, and one dollar a day for support of each person committed, which shall be paid to the city or town; and no other charge for keeping or custody shall be made; and there may be allowed and charged a sum not exceeding one dollar for each person detained without a warrant, to be paid to the city or town, and in such case no other charge shall be made for detention or custody.

SECTION 3. Any city or town now required to keep and maintain a lock-up, which shall neglect to provide and maintain the same for three months, shall forfeit ten dollars for each month's neglect thereafter, to be recovered by indictment. And if the said mayors or selectmen for three months neglect to appoint a lock-up keeper, they shall forfeit ten dollars a month for each month of neglect.

Penalty on town for neglecting to maintain lock-up or appoint keeper.

SECTION 4. The lock-ups of the cities and towns of the Commonwealth shall at all reasonable hours be accessible to the constables of the Commonwealth, sheriffs, constables and police officers of cities and towns, for any legal and proper use, and any lock-up keeper who shall neglect to keep such lock-up accessible for such use, or who shall refuse to permit the officers mentioned in this act to use said lock-ups for all legal and official purposes, shall forfeit and pay a fine of not less than five nor more than twenty dollars, to be recovered upon complaint before any court of competent jurisdiction.

Lock-ups to be accessible to sheriffs and other officers.

SECTION 5. This act shall take effect upon its passage.

*Approved April 14, 1873.*

AN ACT PROVIDING FOR THE ORGANIZATION OF CORPORATIONS FOR MUSICAL PURPOSES.

*Ch. 176.*

*Be it enacted, &c., as follows:*

Chapter thirty-two of the General Statutes is amended by inserting the word "musical" after the word "educational," in sections one and five.

Musical corporations may be organized.

*Approved April 14, 1873.*

AN ACT RELATING TO THE DIVIDENDS OF CERTAIN MUTUAL FIRE INSURANCE COMPANIES.

*Ch. 177.*

*Be it enacted, &c., as follows:*

SECTION 1. Section eleven of chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-two, is amended by striking out the word six wherever it occurs, and inserting instead thereof the word five.

Amendment to 1872, 375, § 11.

SECTION 2. This act shall take effect upon its passage.

*Approved April 14, 1873.*

**Ch. 178.**

## AN ACT RELATING TO EASEMENTS.

*Be it enacted, &c., as follows:*

Persons in enjoyment of an easement to be held to be in possession of real property.

Any person who is in the enjoyment of an easement shall be held to be in possession of real property within the meaning and for the purposes of section forty-nine of chapter one hundred and thirty-four of the General Statutes.

*Approved April 14, 1873.***Ch. 179.**

## AN ACT AUTHORIZING THE ORGANIZATION OF CORPORATIONS TO BE COMMON CARRIERS OF PERSONS.

*Be it enacted, &c., as follows:*

Amendment to 1870, 224, § 6.

SECTION 1. Section six of chapter two hundred and twenty-four of the acts of eighteen hundred and seventy is amended by striking out the words "merchandise or other," and inserting in place thereof the words "persons or"; also by striking out the words "goods and," and inserting instead thereof the words "persons or."

SECTION 2. This act shall take effect upon its passage.

*Approved April 14, 1873.***Ch. 180.**

## AN ACT CONCERNING THE PURCHASING OF MILK AND THE SIZE OF MILK-CANS.

*Be it enacted, &c., as follows:*

Milk-cans used by wholesale buyers to be sealed and legibly marked.

SECTION 1. All milk-cans used by persons engaged in the business of purchasing milk at wholesale shall be sealed annually by the sealer of weights and measures in the city or town where the purchaser resides, and no milk-can shall be sealed which does not contain one or more quarts, without fractional parts of a quart, and the capacity of the can shall be legibly marked upon it by such sealer.

Can to contain eight quarts.

SECTION 2. When milk is purchased by the can, such can shall hold eight quarts of milk and no more.

Penalties.

SECTION 3. Every person violating the provisions of this act shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, one-half of which fine shall inure to the use of the complainant.

SECTION 4. This act shall take effect on the first day of July next.

*Approved April 14, 1873.***Ch. 181.**

## AN ACT IN RELATION TO ASSISTANT-CLERKS OF COURTS.

*Be it enacted, &c., as follows:*

Assistant clerks of courts may be appointed by clerks.

SECTION 1. The clerks of the courts for the counties of Essex, Middlesex, Norfolk and Worcester, and of the superior court for civil business for the county of Suffolk, may appoint second assistant-clerks, *pro tempore*, or for a



definite term, and the clerk of the superior court for criminal business for the county of Suffolk and clerks of the courts for the other counties of the state may appoint assistant-clerks, *pro tempore*, or for a definite term, as hereinafter provided. In case of the absence or disability of the clerk of the court in any county, the assistant-clerk for such county shall have the powers and perform the duties of the clerk.

To have powers of clerk when the clerk is absent.

SECTION 2. Each of such assistant and second assistant-clerks, when not appointed *pro tempore*, shall hold his office for a term of one year, subject to removal by the court or by the clerk of the court.

Term of office.

SECTION 3. Each of such assistant and second assistant-clerks may, under the direction of the clerk, perform all the duties which may be performed by the clerk, and shall pay over to him all fees and sums received by him as such assistant.

Fees to be paid over to clerk.

SECTION 4. Each clerk of the court shall pay his assistant or second assistant-clerk, so appointed for his services, and shall be responsible for his official acts.

Compensation.

*Approved April 14, 1873.*

AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE FORMATION OF INSURANCE COMPANIES AND FOR OTHER PURPOSES.

Ch. 182.

*Be it enacted, &c., as follows :*

SECTION 1. Whenever any joint-stock insurance company organized under the provisions of chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-two, shall have increased its capital stock in the manner provided by section thirteen of said act, to the sum of three hundred thousand dollars or more, such company shall be authorized to insure against loss or damage by tempest or by the perils of the sea, and other perils usually insured against by marine insurance companies, including risks of inland navigation and transportation ; and the insurance commissioner shall issue his certificate to that effect.

May take marine risks when capital has been increased to \$300,000, under 1872, 375, § 13.

SECTION 2. This act shall take effect upon its passage.

*Approved April 14, 1873.*

AN ACT TO AMEND THE CHARTER OF THE CITY OF WORCESTER, RELATIVE TO THE PURCHASE AND CONTROL OF CITY PROPERTY.

Ch. 183.

*Be it enacted, &c., as follows :*

SECTION 1. The city council of the city of Worcester shall have the care and superintendence of the school-houses and other public buildings of said city, and the

City council to have custody and management of all city property.

care, custody and management of all the property of said city, with power to lease or sell what may be legally sold.

And the said city council may purchase property, real or personal, in the name and for the use of said city, whenever its interest or convenience may in their judgment require it.

Repeal of part of  
1866, 199, § 13.

SECTION 2. So much of the thirteenth section of chapter one hundred and ninety-nine of the acts of the year eighteen hundred and sixty-six, as confers upon the mayor and aldermen of said city the powers herein granted to said city council, is repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved April 14, 1873.*

**Ch. 184.** AN ACT TO SUPPLY THE TOWN OF WEST STOCKBRIDGE WITH PURE WATER.

*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. George W. Kniffin, William W. Leavitt, Charles W. Kniffin, James S. Moore, William F. Gale, I. C. Hare, A. E. Gaston, William M. Kniffin and J. P. Nicholson, their associates and successors, are made a corporation by the name of the East Mountain Water Company, for the purpose of supplying the inhabitants of West Stockbridge, in the county of Berkshire, with pure water; with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may for the purposes aforesaid hold real and personal estate not exceeding in amount ten thousand dollars, and the whole capital stock shall not exceed thirty thousand dollars.

May convey water into village of West Stockbridge.

SECTION 3. Said corporation may purchase, lease, hold and convey to, into and through the village of West Stockbridge the water of any spring or springs, or of any natural pond or ponds within said town; may take and hold real estate necessary for laying and maintaining aqueducts and reservoirs, and may purchase, or lease and hold land around the margin of any such spring or pond to an extent necessary for the preservation and purity of the water so taken.

To file in registry of deeds a description of the land taken.

Said corporation, within sixty days after the time of taking lands, ponds or springs as herein before provided, shall file in the office of the registry of deeds in the southern district of the county of Berkshire, a description

of the lands, springs or ponds so taken, sufficiently accurate for identification, together with a statement of the purpose for which such lands, springs or ponds are taken, signed by the president of said corporation.

SECTION 4. Said corporation may make aqueducts from any sources above mentioned through any part of said town, and may maintain the same by suitable works; may make reservoirs and hydrants, and may distribute the water throughout said town by laying down pipes; may establish the rents for the use of such water, and may for the purpose of distributing said water enter upon and dig up any town road or way within said town of West Stockbridge, under the direction of the selectmen of said town, and in such a manner as to cause the least hindrance to the travel on said roads and ways.

May make aqueducts, reservoirs and hydrants.

SECTION 5. Said corporation shall pay all damages sustained by any persons or corporations in their property by the taking of any lands, water or water-rights, or by the construction or repairing of any dams, aqueducts or other works for the purposes aforesaid.

Liability for damages.

If any person or corporation sustaining damages as aforesaid cannot agree with said East Mountain Water Company upon the amount of such damages, they may be assessed by the county commissioners for the county of Berkshire, by making a written application therefor within one year after sustaining such damages, and either party aggrieved by the doings of said commissioners in the estimation of said damages, may have the same settled by a jury; and if the damages are increased by the jury, the said East Mountain Water Company shall pay all legal costs; but otherwise, the said costs shall be paid by the party claiming damages; and the said commissioners and jury shall have the same powers, and the proceedings shall in all other respects be conducted in the same manner, as is provided in case of taking land for highways.

SECTION 6. Any person who maliciously diverts the water or any part thereof of the sources which may be taken by said corporation, pursuant to the provisions of this act, or who corrupts the same or renders it impure, or who maliciously destroys or injures any dam, reservoir, aqueduct, pipe or hydrant or other property held, owned or used by said corporation for the purposes of this act, shall pay three times the amount of actual damage to the

Penalty for maliciously diverting water, or rendering it impure.

said corporation, to be recovered by an action of tort, and every such person, on conviction of either of the malicious acts aforesaid, may be punished by a fine not exceeding one hundred dollars or imprisonment not exceeding six months.

SECTION 7. This act shall take effect upon its passage.

*Approved April 14, 1873.*

*Ch.* 185. AN ACT AUTHORIZING THE PLYMOUTH COUNTY COMMISSIONERS TO LAY OUT A HIGHWAY OVER A PORTION OF A BURYING GROUND IN NORTH BRIDGEWATER.

*Be it enacted, &c., as follows:*

May alter Main  
Street in North  
Bridgewater.

SECTION 1. The county commissioners of the county of Plymouth may alter Main Street, in North Bridgewater, by including therein a strip, not more than ten feet in width, of the burying ground at the corner of Main and Ashland Streets: *provided*, that said commissioners shall first cause any remains, which may be interred in that portion of the burying ground, to be removed and buried elsewhere, under such reasonable directions, if any, as the relatives of the deceased may give. The expense of such removal and the reinterment shall be defrayed by the town.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved April 14, 1873.*

*Ch.* 186. AN ACT TO AUTHORIZE THE NORTH PARISH IN WEYMOUTH TO SELL PARSONAGE LANDS.

*Be it enacted, &c., as follows:*

May sell parson-  
age lands.

SECTION 1. The North Parish in Weymouth may sell and convey by its deed executed by the treasurer of said parish, the easterly part, not exceeding one acre, of its parsonage lands, situated on East Street in Weymouth.

SECTION 2. This act shall take effect upon its passage.

*Approved April 14, 1873.*

*Ch.* 187. AN ACT TO AUTHORIZE THE OLD COLONY RAILROAD COMPANY TO WIDEN ITS BRIDGE ACROSS FORT POINT CHANNEL, AND TO EXTEND ITS WHARF ON SAID CHANNEL, IN BOSTON.

*Be it enacted, &c., as follows:*

May widen  
bridge across  
Fort Point  
Channel.

SECTION 1. License is granted to the Old Colony Railroad Company to widen its bridge across Fort Point Channel, in the city of Boston, for the purpose of constructing and maintaining a third track over said channel, by adding to said bridge a section on its easterly side not exceeding fourteen feet in width, outside the drawway, and constructing an additional draw in such form as the harbor commissioners may approve.

SECTION 2. License is also granted to said corporation for the purpose of conveniently connecting its tracks on said bridge with its freight premises in Boston, and with the tracks of the Union Freight Railway Company, to occupy with a pile-structure the territory covered by tide-water lying between the present wharf-line on the Boston side of said channel and a line parallel thereto and fifty feet southerly therefrom, and between said bridge and Federal Street Bridge, or such portion thereof as may be necessary for said purposes, paying to the Commonwealth such sum as the governor and council may determine to be a reasonable compensation for the territory so occupied.

May occupy with a pile-structure certain territory covered by tide-water.

SECTION 3. This license is subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

Subject to 1869, 432.

SECTION 4. This act shall take effect upon its passage.

*Approved April 14, 1873.*

AN ACT IN ADDITION TO AN ACT CONCERNING THE BROOKLINE GAS LIGHT COMPANY. *Ch. 188.*

*Be it enacted, &c., as follows :*

SECTION 1. The Brookline Gas Light Company are authorized to make gas in the town of Brighton, subject to all provisions of law concerning gas light corporations.

May make gas in Brighton.

SECTION 2. This act shall take effect upon its passage.

*Approved April 14, 1873.*

AN ACT GIVING THE CONSENT OF THE COMMONWEALTH TO THE UNITED STATES, FOR THE PURCHASE OF ADDITIONAL LAND IN THE CITY OF BOSTON, FOR THE SUB-TREASURY AND POST-OFFICE SITE. *Ch. 189.*

*Be it enacted, &c., as follows :*

SECTION 1. The consent of the Commonwealth is granted to the United States, to purchase additional land, for the site of the new post-office and sub-treasury building in the city of Boston, the said additional land lying adjoining the tract already purchased by the United States, in the block bounded by Devonshire, Water, Congress and Milk Streets, and constituting, with the tract already purchased, the entire block or square bounded by Devonshire, Water, Congress and Milk Streets.

Additional land may be purchased for site of new post-office.

The said tracts of additional land are : first, an estate now or formerly owned by the Merchants' Insurance Company ; second, an estate now or formerly owned by Peter B. Brigham ; third, an estate now or formerly owned by Edward Wigglesworth ; fourth, an estate now or formerly

Description of land.

owned by Thomas Wigglesworth; fifth, an estate now or formerly owned by Thomas Goddard, trustee, and all of said estates constitute the estate lying between the property already acquired by the United States on the west, and Congress Street on the east, Water Street on the north and Milk Street on the south. Jurisdiction is ceded to the United States over said tracts, respectively, or any part or portion thereof, when the United States shall become the owner thereof: *provided, always*, that the Commonwealth shall retain and does retain concurrent jurisdiction with the United States in and over all the lands aforesaid, so far that civil and criminal processes, issuing under the authority of the Commonwealth, may be executed on said land, and in any buildings erected or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid; and *provided*, that the exclusive jurisdiction shall revert to and revest in the Commonwealth of Massachusetts, whenever said lands shall cease to be used by the United States for public purposes.

Proviso.

Proviso.

If price of land cannot be agreed upon valuation may be determined by a jury.

SECTION 2. If the agent or agents employed by the United States, and the person or persons owning or interested in either of said estates, cannot agree upon the price to be paid for their interest therein, the agent or agents of the United States may apply by petition to the superior court for the county of Suffolk, such petition to be made separately as to each of said estates, describing the estate and praying to have a valuation thereof made by a jury; and the court, after due notice to the owner or owners of the estate described in such petition, and to all parties interested therein, to be given in such manner as the court may order, is empowered and required to hear the parties and finally determine the value of their said estate, (taking into consideration the injury or benefit, if any, which said owners or persons interested may sustain in any adjoining estate,) by a jury, who shall be sworn to faithfully and impartially make such appraisement and valuation. And if any person or persons, other than the owner or owners of said estate shall appear and claim any interest in said estate, the value to the owner of the fee, and to all persons interested in said estate, shall be ascertained and apportioned in the same manner as is provided for the assessment of damages in section fifty-five of chapter forty-three of the General Statutes; and the clerk of the

superior court for civil business, for the county of Suffolk, shall issue writs of *venire facias*, for jurors to make the appraisements and valuations aforesaid, and shall therein require the attendance of said jurors, on such day as the court shall order, and said writs shall be severally issued, delivered, transmitted, served and returned in the same manner as now provided as to other juries by chapter one hundred and thirty-two of the General Statutes; and the value aforesaid having been ascertained by the verdict of said jury, and said verdict accepted and recorded by said court, and the amount thereof paid or tendered within one month after final judgment, to the said owner or owners, or persons interested, or their agent or attorney, together with their reasonable costs and expenses, to be taxed by said court, or in case of their neglect or refusal to receive the same, the amount of said verdict, costs and expenses having been paid into the treasury of the Commonwealth, for their use, and subject to their order, the fee of said estate shall be forever vested in the United States: *provided, however*, that neither the United States nor their agent or agents shall enter into or take possession of said estates, respectively, or exercise any act of ownership thereon until the amount of said verdict, costs and expenses aforesaid shall have been actually paid as aforesaid; and *provided, also*, that all the charge of said application and appraisal shall be paid by the United States.

When money  
has been paid  
over, fee to vest  
in the U. S.

Proviso.

Proviso.

The applications aforesaid may, by agreement of parties, be heard and determined together, but a separate valuation shall be made and a separate verdict rendered in each case.

SECTION 3. This act shall be void unless a suitable plan of the additional land obtained or purchased by the United States under this act shall be filed in the office of the secretary of the Commonwealth within one year after the title shall be acquired.

Plan of land to  
be filed in the  
Secretary's  
office.

SECTION 4. This act shall take effect upon its passage.

*Approved April 15, 1873.*

AN ACT TO PROHIBIT THE DRAWING OF ANY SEINE OR DRAG-NET NEAR THE MOUTH OF THE GAY HEAD HERRING CREEK.

Ch. 190.

*Be it enacted, &c., as follows:*

SECTION 1. No seine or drag-net shall be drawn in Menamsha Pond, within fifty rods from the mouth of the Gay Head Herring Creek, between the fifteenth day of March and the fifteenth day of May, in each year.

No seine to be  
drawn between  
March 15 and  
May 15.

Penalty.

SECTION 2. Whoever violates the provisions of this act, shall forfeit the sum of five dollars for each offence.

SECTION 3. This act shall take effect upon its passage.

*Approved April 15, 1873.*

Ch. 191.

AN ACT AUTHORIZING NOTARIES-PUBLIC TO ADMINISTER OATHS.

*Be it enacted, &c., as follows:*

May administer  
oaths, &c., to  
be used in this  
State.

Any notary-public duly commissioned and qualified by authority of any state or government, may, within the jurisdiction for which he is commissioned, administer oaths and take affidavits to be used in this state. All oaths and affidavits so administered or taken, and certified by him under his official seal, shall be as effectual as if administered or taken and certified by a justice of the peace in this state.

*Approved April 15, 1873.*

Ch. 192.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO ESTABLISH HOSPITALS.

*Be it enacted, &c., as follows:*

May establish  
hospitals for  
patients requir-  
ing temporary  
relief.

SECTION 1. Any city or town may erect, establish and maintain a hospital, for the reception of persons who, by misfortune or poverty, may require relief during temporary sickness. And the city council of any city, and the selectmen of any town shall have power to make such ordinances, rules and regulations as they may deem expedient, for the appointment of trustees and all other officers, agents and servants necessary for managing such hospital.

SECTION 2. This act shall take effect upon its passage.

*Approved April 15, 1873.*

AN ACT TO PROVIDE UNIFORMS FOR THE OFFICERS OF THE STATE PRISON.

Ch. 193.

*Be it enacted, &c., as follows:*

Officers to wear  
uniforms while  
on duty.

SECTION 1. For the purpose of promoting the discipline of the state prison, the several officers thereof, except the board of inspectors, clerk, physician and chaplain, shall, while on duty, wear such uniform as may from time to time be prescribed, by the inspectors and warden.

Allowance for  
uniforms.

SECTION 2. In order to defray the expense of procuring such uniform, said officers, excepting the inspectors, warden, clerk, physician and chaplain, shall be allowed and paid severally the sum of one hundred dollars annually in addition to the salary now allowed.

SECTION 3. This act shall take effect on the first day of May next.

*Approved April 15, 1873.*



AN ACT RELATING TO THE ANNUAL RETURNS OF RAILROAD AND STREET RAILWAY CORPORATIONS. *Ch. 194.*

*Be it enacted, &c., as follows :*

SECTION 1. The accounts of every railroad and street railway corporation shall be closed upon the thirtieth day of September of each year, so that the condition of the company can be shown by a balance sheet taken therefrom, which shall be included in its annual return to the railroad commissioners.

Accounts of railroads to be closed upon the thirtieth of September.

SECTION 2. This act shall take effect upon its passage.

*Approved April 15, 1873.*

AN ACT TO REGULATE THE LEASING OF GREAT PONDS FOR THE PURPOSE OF CULTIVATING USEFUL FISHES. *Ch. 195.*

*Be it enacted, &c., as follows :*

SECTION 1. It shall be the duty of the commissioners on inland fisheries in all cases where application is made for the lease of any great pond for the purpose named in section nine of chapter three hundred and eighty-four of the acts of eighteen hundred and sixty-nine, to give notice of said application to the town or city within whose limits said pond lies, and of the time and place appointed for a hearing thereon.

Commissioners to give notice of application to town where the pond lies.

SECTION 2. The several towns and cities in the Commonwealth are authorized to take leases of any great ponds within their respective limits, for the purpose of cultivating useful fishes, under such conditions and restrictions as the commissioners on inland fisheries may prescribe, and may make appropriations to carry out the provisions of this act.

Towns may take leases of ponds within their limits.

SECTION 3. This act shall take effect on its passage.

*Approved April 15, 1873.*

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO LAY OUT A PUBLIC PARK AND TO ESTABLISH AND MAINTAIN A RESERVOIR. *Ch. 196.*

*Be it enacted, &c., as follows :*

SECTION 1. The city of Worcester, by its city council, may at any time within two years after the passage of this act, take and hold, by purchase or otherwise, for the purposes of a public park, all or any part of the land in said city which is bounded northerly by Highland Street, easterly partly by the new common and partly by North Newton Street, and southerly and westerly by Pleasant Street, with the right to appropriate a portion of said land to be used as a reservoir.

City may lay out a public park.

Description of land taken to be filed in the registry of deeds.

SECTION 2. Said city, within sixty days after said city council votes to take any land under this act, shall file in the registry of deeds for the county of Worcester, a description of the land taken, sufficiently accurate for identification, which description shall be signed by the mayor of said city; and the title of the land taken shall vest in the city from the time of filing such description.

Liability for damages.

SECTION 3. The city of Worcester shall be liable to pay all damages sustained by any persons by the taking of any land under this act; and if the owner of any land taken shall not agree with said city upon the damages to be paid therefor, he may apply by petition for the assessment of his damages within one year after he shall have notice of such taking, to the superior court, in the county of Worcester; and said court shall thereupon, after due notice to said city, appoint three commissioners, who, after hearing the parties, shall assess said damages, and the award of said commissioners, or a major part of them, being returned into and accepted by said court shall be final, and judgment shall be rendered thereon for the prevailing party, with costs, unless one of the parties shall claim a trial by jury, as hereinafter provided.

Parties dissatisfied with award may claim trial by jury.

SECTION 4. If either of said parties shall be dissatisfied with the amount of the damages awarded by said commissioners, such party may at the term at which said award shall be accepted, or at the next term thereafter, claim a trial by jury; and said court shall thereupon order a trial to be had at the bar of said court in the same manner in which other civil causes are there tried by jury.

City may consent that a sum specified may be awarded as damages.

SECTION 5. The said city may at any time after the entry of said petition offer in court and consent in writing that a sum therein specified may be awarded as damages to the petitioner; and if the petitioner shall not accept the same within thirty days after he has received notice of said offer, or within such further time as the court shall for good cause grant, and shall not finally recover a greater sum than the sum offered, not including interest on the sum recovered in damages from the date of the offer, the said city shall be entitled to recover its costs after said date, and said petitioner, if he recovers damages, shall be allowed his costs only to the date of the offer.

Subject to approval by a majority of the voters.

SECTION 6. This act shall not take effect unless it shall be submitted to and approved by a majority of the

legal voters of the city of Worcester, present and voting thereon by ballot, at the next municipal election.

*Approved April 15, 1873.*

AN ACT FOR SUPPLYING SOUTH ADAMS WITH PURE WATER.

*Ch. 197.*

*Be it enacted, &c., as follows :*

SECTION 1. The South Adams fire district is authorized, by and through the agency of five commissioners, to be appointed in the manner hereinafter provided, to take, hold and convey to, into and through the villages of Cheshire Harbor, Arnoldsville, Maple Grove and South Adams, the water of Bassett's brook, so called, in the town of Cheshire, and the waters which may flow into or from the same, and any water rights connected therewith; and said district may also take and hold, by purchase or otherwise, any real estate necessary for laying and maintaining aqueducts for conducting, discharging, disposing of and distributing water and for forming reservoirs, and may take and hold any land on or near said brook, so far as may be necessary for the preservation and purity of the water therein, and for furnishing a supply of water to the villages aforesaid, and for public purposes.

South Adams to be supplied with pure water.

SECTION 2. The said fire district may, through the same agency, make and build one or more permanent aqueducts from the brook aforesaid to, into and through the said villages, by any works suitable therefor; may erect and maintain dams to raise and retain the water therein; may make and maintain reservoirs, within and without the limits of said district; may make and establish public fountains and such public hydrants in such places as may from time to time be deemed proper; may prescribe the purposes for which they may be used, and may change or discontinue the same; may distribute the water through said villages and establish the prices or rents to be paid therefor; and the said district may, for the purposes aforesaid, carry and conduct any aqueducts, pipes or other works, by them to be made, laid or constructed, over or under any water-course or railroad, and over or under or along any street, highway or other way, in such manner as not to obstruct or impede travel thereon; and may enter upon and dig up any such road, street or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and may do any other things necessary and proper in executing the purposes of this act.

Fire district may build aqueducts and erect and maintain dams.

May dig up streets for the purpose of laying down pipes.

Five commis-  
sioners to be  
chosen by bal-  
lot.

SECTION 3. Five commissioners shall be chosen by the said fire district by ballot, who shall, during their continuance in office, execute, superintend and direct the performance and execution of all the works, matters and things mentioned in the preceding sections, and which are not specially otherwise provided for in this act; they shall be subject to such ordinances, rules and regulations in the execution of their said trust as the said district may from time to time ordain and establish, not inconsistent with the provisions of this act and the laws of this Commonwealth; they shall respectively hold their said offices for the term of three years next after their appointment, unless the works aforesaid shall be sooner completed; but they, or either of them, after having had an opportunity to be heard in their or his defence, may be removed at any time by vote of two-thirds of the voters present at any legal meeting of the district; and in case of a vacancy in the board by death, resignation or removal, such vacancy may be filled by the appointment of another commissioner in manner aforesaid, who shall hold his office for the residue of the three years, with all the powers, and subject to the restrictions aforesaid. A major part of said commissioners shall be a quorum to do business; they shall once a year, and whenever required by a vote of the said district, make and present in writing a full and particular statement of all their acts and doings, and of the condition and progress of the works aforesaid.

Term of office.

Quorum.

Salaries.

SECTION 4. The said district shall establish the salaries to be paid to the commissioners for their services, and the said salaries so established shall not be altered during their continuance in said office.

When works are  
completed all  
powers to be ex-  
ercised by the  
district.

SECTION 5. Whenever the office of said commissioners shall cease, either by the expiration of said term of three years or by the completion of the works as mentioned in the foregoing sections of this act, all the rights, powers and authority given to the said fire district by this act, shall then and thenceforth be exercised by the said fire district, subject to the duties, liabilities and restrictions herein contained, in such manner and by such officers and agents as the said district shall from time to time ordain and direct.

Liability for  
damages.

SECTION 6. The said district shall be liable to pay all damages sustained by any person or corporations in their property by the taking of any lands, water or water-rights,

or by the construction of any aqueducts or other works for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid, cannot agree with the said commissioners upon the amount of such damages, they may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water-rights until the water is actually taken and diverted by said district. Any person whose water-rights are thus taken or affected may apply as aforesaid, within three years from the time the water is actually withdrawn or diverted, and not thereafterwards.

SECTION 7. For the purpose of defraying the expenses which may be incurred by the said district in carrying into effect the powers granted by this act, the town of Adams may issue from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof, "South Adams Water Scrip," to an amount not exceeding one hundred and twenty-five thousand dollars, and bearing interest not exceeding six per centum per annum; said interest shall be payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issue of said notes, scrip or certificates respectively. All notes, scrip and certificates of debt issued as aforesaid shall be signed by the treasurer of said town, and countersigned by the chairman of the selectmen, and a record of all such scrip and certificates shall be made and kept by the said treasurer. The town of Adams may loan said notes, scrip or certificates to the South Adams fire district upon such terms and conditions as may be by said town prescribed; and the said district may sell the same or any part thereof from time to time, or pledge the same for money borrowed for the purpose aforesaid, at such rates and upon such terms as said fire district shall deem proper.

SECTION 8. The town of Adams may assess and collect upon the estates, real and personal, in said fire district, all taxes necessary to pay the principal and interest of the notes, scrip and certificates issued and loaned as aforesaid.

SECTION 9. The commissioners aforesaid shall within six months from the time of taking any lands, springs or brooks, as before provided, file in the registry of deeds

Town may issue  
"South Adams  
Water Scrip"  
not exceeding  
\$125,000.

Notes to be  
signed by town  
treasurer.

Town may tax  
for payment of  
principal and in-  
terest.

Description of  
land, &c., taken  
to be filed in reg-  
istry of deeds.

for the northern district of the county of Berkshire, an accurate description of the lands, springs or brooks so taken, and a statement of the purpose for which the same are taken, signed by said commissioners. And said commissioners shall, upon the written request of any person whose lands, springs or brooks are so taken, furnish him with an accurate description of the same.

Penalty for unlawful use of water or rendering it impure.

SECTION 10. If any person shall use any of the said water, without the consent of the said district, an action of tort may be maintained by the inhabitants of said district for the recovery of damages therefor; and if any person shall wantonly or maliciously divert the water or any part thereof of any springs or brooks or water-courses which shall be taken by said district pursuant to the provisions of this act, or shall corrupt the same or render it impure, or destroy or injure any dam, reservoir, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said district, by the authority and for the purposes of this act, every such person shall forfeit and pay to said district three times the amount of the damages that shall be assessed therefor in an action of tort in the name of the inhabitants of said district; and any such person, on conviction of either of the wanton or malicious acts aforesaid, may also be punished with fine not exceeding three hundred dollars, or imprisonment not exceeding one year.

Subject to acceptance by voters of the district.

SECTION 11. A legal meeting of the voters of said fire district shall be called within sixty days from the passage of this act for the purpose of having said voters give in their written votes on the question whether they will accept the provisions of this act, and if the major part of the votes given upon said question shall be in the affirmative, the result of said vote shall forthwith be certified by the proper officer of said district to the selectmen of the town of Adams; and the said selectmen shall, within two months thereafter, warn a meeting of the voters of said town for the purpose of having said voters give in their written votes upon the question whether they will accept this act, and if the major part of the votes given at said meeting, upon said question, shall be in the affirmative, then this act shall be binding, otherwise it shall be null and void.

Fire district may hold property and prosecute

SECTION 12. The fire district mentioned in this act is made and declared to be a body corporate, so far as to

take and hold property for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of said district.

SECTION 13. This act shall take effect upon its passage.

*Approved April 15, 1873.*

AN ACT TO AUTHORIZE THE FALL RIVER, WARREN AND PROVIDENCE RAILROAD COMPANY TO MORTGAGE ITS RAILROAD, AND FOR OTHER PURPOSES.

*Ch. 198.*

*Be it enacted, &c., as follows :*

SECTION 1. The Fall River, Warren and Providence Railroad Company, for the purpose of paying the debt created by the construction of its railroad and for other purposes, may issue bonds or other obligations for an amount not exceeding three hundred thousand dollars, and at a rate of interest not exceeding seven per centum per annum, and may secure said bonds or other obligations by a mortgage upon its railroad franchise and property: *provided, however,* that no such bonds or obligations issued, or mortgage made, by said company under this act shall be valid or take effect until all the bonds or other obligations secured by the mortgage heretofore made by said company, under the authority conferred by chapter fifty-one of the acts of the year eighteen hundred and sixty-five, have been cancelled and surrendered to said corporation.

May issue bonds not exceeding \$300,000 at seven per cent. interest.

*Proviso.*

SECTION 2. The Boston and Providence Railroad Corporation and the Old Colony Railroad Company, or either of them, may guarantee, or may purchase and hold the bonds or other obligations authorized to be issued under this act, or any portion thereof; and may likewise purchase and hold, or have held for their benefit, any shares in the capital stock of the said Fall River, Warren and Providence Railroad Company, and of the Providence, Warren and Bristol Railroad Company: *provided,* such purchase shall be duly authorized by vote of the stockholders of the corporation or corporations making the same.

Boston and Providence or Old Colony railroads may guarantee bonds and hold stock.

*Proviso.*

SECTION 3. This act shall take effect upon its passage.

*Approved April 15, 1873.*

AN ACT TO AUTHORIZE THE COMMISSIONERS ON THE WEST BOSTON AND CRAGIE OR CANAL BRIDGES TO RECONSTRUCT AND WIDEN CRAGIE OR CANAL BRIDGE.

*Ch. 199.*

*Be it enacted, &c., as follows :*

SECTION 1. The commissioners on the West Boston and Cragie or Canal Bridges may build a new bridge in

Commissioners may construct new bridge or re-

build and widen  
the present  
bridge.

Subject to 1869,  
432.

May take build-  
ings, wharves,  
&c.

the place of, or repair, reconstruct and widen, to a width not exceeding sixty-four feet, the present Cragie or Canal Bridge; and may construct fender-guards, make changes in the draw and draw-piers, and do such other acts as they may deem necessary, expedient or convenient in the premises, to secure a bridge and draw which shall safely and conveniently accommodate public travel and navigation; subject, however, to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. To secure and accomplish the objects and purposes of the preceding section, said commissioners may take such lands, buildings, wharves and structures, as they may deem necessary; and all damages to private property or for land taken under this act, shall be ascertained as provided in chapter forty-three of the General Statutes, and, together with all other expenses incurred hereunder, shall be paid equally by the cities of Boston and Cambridge.

*Approved April 15, 1873.*

*Ch. 200.* AN ACT TO ESTABLISH A FREE BRIDGE ACROSS THE CONNECTICUT RIVER, BETWEEN SPRINGFIELD AND AGAWAM.

*Be it enacted, &c., as follows:*

County commis-  
sioners may con-  
struct highway  
and bridge  
across Connecti-  
cut River, be-  
tween Spring-  
field and Aga-  
wam.

SECTION 1. The county commissioners of Hampden County, if in their opinion the public convenience and necessity so require, may lay out and construct a highway and bridge, with suitable approaches thereto, across the Connecticut River, at or near the ferry between the city of Springfield and the town of Agawam. The provisions of section twelve of chapter seventeen of the General Statutes, shall also apply to said commissioners, and before adjudication on the necessity of constructing such bridge, they shall give notice of a hearing to all parties interested, as in the case of laying out highways under the provisions of the General Statutes.

Estimation of  
damages.

SECTION 2. The said commissioners shall estimate and award damages occasioned by the location of said bridge and the laying out of said highway, in the same manner as is now provided by law in the case of laying out highways; and any person aggrieved by the award of said commissioners shall have a like remedy, by application for a jury, as in the case of laying out highways under the provisions of the General Statutes.

Expenses of  
building and re-  
pairing bridge.

SECTION 3. All expenses incurred under this act, including all expense of maintaining and keeping said



bridge in repair, shall be paid by such parties and in such proportions as shall be determined under the following provisions.

SECTION 4. When such bridge and highway is completed, and the full cost thereof ascertained, including therein all land damages awarded or assessed, said county commissioners shall file a report of the fact, together with the amount of such cost, in the office of the clerk of the supreme judicial court of the county of Hampden, whereupon, and upon the application of the county commissioners or of any party interested, and after such notice as said court may order, said court or a justice thereof in any county shall appoint a board of commissioners, consisting of three disinterested and suitable persons, not residents of the county of Hampden; and said commissioners having been duly sworn to the faithful and impartial discharge of their duties, shall, after due notice to all the parties interested and a hearing, determine and decree what cities and towns in the county of Hampden are or will be specially benefited by the laying out and construction of said bridge and highway, and shall also determine and decree what proportions of the cost and expenses aforesaid shall be paid by said cities and towns respectively. Said commissioners shall also determine in what proportions and manner the said cities and towns, benefited as aforesaid, shall defray the expenses of maintaining and repairing said bridge and its appurtenances, not including any portion of the highway, which lies easterly of the abutment of the bridge in Springfield, or westerly of its abutment in Agawam, and also all other expenses properly incurred under the provisions of this act, including their own fees; and their determination and decree, or that of a major part of them, shall be made in writing and reported to the supreme judicial court for the county of Hampden; and when the same is accepted and judgment entered thereon by the court, it shall be binding upon all the parties interested therein.

SECTION 5. Liability for defects in the bridge and its abutments shall exist on the part of the city of Springfield and the town of Agawam, in such proportions as by the award of said commissioners they severally pay toward the cost of keeping the same in repair. Such portions of the highway laid out and constructed under this act, as lie easterly of the abutment of the bridge in

Expenses to be apportioned among cities and towns by commissioners appointed by S. J. C.

Liability of Springfield and Agawam for defects in bridge.

Springfield, and westerly of its abutment in Agawam, shall be maintained and kept in repair by the city or town in which they are, and said city or town shall be liable for defects upon the same, in the same manner as upon other highways within their limits.

County commissioners may borrow \$100,000.

SECTION 6. The county commissioners of said county may borrow on the credit of said county, a sum not exceeding one hundred thousand dollars, for the purpose of carrying into effect the provisions of this act.

*Approved April 15, 1873.*

**Ch. 201.** AN ACT RELATING TO THE DEMOLITION OF BUILDINGS DURING FIRE.  
*Be it enacted, &c., as follows :*

Engineer of fire department to have sole power conferred upon firewards under G. S. 24, § 4.

SECTION 1. The engineer of a fire department in command at a fire, shall, to the exclusion of all other persons, have the power conferred upon firewards, by the fourth section of the twenty-fourth chapter of the General Statutes.

Subject to acceptance by cities and towns.

SECTION 2. This act shall be in force only in those cities in which it is accepted by the city council, and in those towns in which it is accepted by the legal voters.

*Approved April 16, 1873.*

**Ch. 202.** AN ACT RELATING TO THE FEES OF SEXTONS AND OTHERS.  
*Be it enacted, &c., as follows :*

Amendment to G. S. 21, § 4.

SECTION 1. Section four of chapter twenty-one of the General Statutes is amended by striking out the word "ten" after the words "fee of," and inserting instead thereof the words "twenty-five."

SECTION 2. This act shall take effect upon its passage.

*Approved April 16, 1873.*

**Ch. 203.** AN ACT RELATING TO FEES AND DEPOSITS IN THE COURTS OF INSOLVENCY.

*Be it enacted, &c., as follows :*

Moneys deposited for payment of fees may be paid to state treasurer.

SECTION 1. All moneys deposited with registers of the courts of insolvency to secure the payment of fees, remaining unclaimed for thirty days after the final disposition of the case in which such fees have accrued, may be paid over to the treasurer and receiver-general of the Commonwealth, and his receipt therefor shall be a full discharge of the register for all liability on account of such deposits.

Judges may make equitable deduction from taxable fees.

SECTION 2. The judges of the courts of insolvency may make any rebate or deduction from the fees, taxable by law in cases of insolvency, that they may deem just,

equitable or expedient; and may determine what portion of the money on deposit, as aforesaid, if any, shall be appropriated to the payment of fees due to the Commonwealth, and may order a return of the money not so appropriated, to the party or parties entitled thereto.

*Approved April 16, 1873.*

AN ACT TO REGULATE THE FEES OF SHERIFFS FOR PRESIDING OVER  
SHERIFFS' JURIES. Ch. 204.

*Be it enacted, &c., as follows:*

SECTION 1. Sheriffs presiding over sheriffs' juries shall be entitled to charge therefor ten dollars a day and ten cents a mile travel, which shall be certified and paid in the same manner as the fees of the jurors.

Sheriff's fees fixed at \$10 a day and travel.

SECTION 2. This act shall take effect upon its passage.

*Approved April 16, 1873.*

AN ACT CONCERNING SEWERS AND DRAINS IN THE CITY OF BOSTON. Ch. 205.

*Be it enacted, &c., as follows:*

SECTION 1. The board of aldermen of the city of Boston may for the purposes of sewerage and drainage, take and divert the water of any streams or water-courses within the limits of said city, and devote the same to the purposes aforesaid; and may take all necessary land to widen, deepen or straighten the channel of such water-courses, and pave, enclose and cover the same.

Streams and water-courses may be diverted for drainage purposes.

SECTION 2. In taking said water-courses or lands for the purposes aforesaid, the said board of aldermen shall proceed in the manner required by law in cases where land is taken for highways; and persons suffering damage in their property shall have the same rights and remedies for the ascertainment and recovery of such damages, as are provided by law for the ascertainment and recovery of damages for lands taken for highways.

Proceedings as in taking land for highways.

Damages.

SECTION 3. This act shall take effect upon its passage.

*Approved April 16, 1873.*

AN ACT TO PROTECT THE SHORES AND BEACHES IN SCITUATE. Ch. 206.

*Be it enacted, &c., as follows:*

SECTION 1. Any person who shall take or remove, by land or water, from either of the beaches, headlands or shores bordering upon the sea, within the limits of the town of Scituate, any material composing such beaches, headlands or shores, shall for each offence be punished by a fine not less than twenty-five dollars nor more than two

Material composing beaches in Scituate not to be removed.

Penalty.

hundred dollars, or by imprisonment in jail for a term not exceeding two months.

SECTION 2. This act shall take effect upon its passage.

*Approved April 16, 1873.*

**Ch. 207.** AN ACT AUTHORIZING THE COMMISSIONERS ON PUBLIC LANDS TO SELL A LOT OF LAND TO THE CITY OF BOSTON FOR SCHOOL PURPOSES.

*Be it enacted, &c., as follows :*

Commissioners may sell land for a school-house to the city of Boston.

SECTION 1. The commissioners on public lands are authorized to sell and convey to the city of Boston, a lot of land on the back bay in said city, for the purpose of erecting a school-house thereon, upon such terms and conditions as the governor and council shall approve.

SECTION 2. This act shall take effect upon its passage.

*Approved April 16, 1873.*

**Ch. 208.** AN ACT TO AUTHORIZE THE CARY IMPROVEMENT COMPANY TO CONSTRUCT A BRIDGE ACROSS CHELSEA CREEK.

*Be it enacted, &c., as follows :*

Bridge across Chelsea Creek, between Revere and Chelsea.

SECTION 1. The Cary Improvement Company may construct and maintain a bridge across Chelsea Creek, from Mill Street, in the town of Revere, to a point at or near Crescent Avenue, in the city of Chelsea; subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved April 16, 1873.*

**Ch. 209.** AN ACT TO AMEND THE CHARTER OF THE ODD FELLOWS' HALL ASSOCIATION OF BOSTON.

*Be it enacted, &c., as follows :*

\$400,000 additional capital stock.

Real estate.

SECTION 1. The Odd Fellows' Hall Association of Boston may increase its capital stock to an amount not exceeding four hundred thousand dollars, and may hold real estate to the value of three hundred and seventy-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved April 16, 1873.*

**Ch. 210.** AN ACT RELATING TO PUBLIC WAREHOUSES.

*Be it enacted, &c., as follows :*

Action may be brought against a public warehouseman for failure in duty.

SECTION 1. Whenever a public warehouseman, appointed under the provisions of chapter two hundred and six of the acts of the year eighteen hundred and sixty, fails to perform his duty, or violates any of the provisions of that act or any acts in addition thereto, any person injured by such failure or violation may bring an action in

the name of the Commonwealth, but to his own use, in any court of competent jurisdiction, on the bond of such warehouseman; but in such action the writ shall be indorsed by the person in whose behalf the action is brought, or by some other person satisfactory to the court; and the indorser shall be liable to the defendant for any costs which the defendant may recover in the action; and the Commonwealth shall not be liable for any costs.

SECTION 2. The title to goods and chattels stored in a public warehouse shall pass to a purchaser or pledgee, in good faith, by the indorsement to such purchaser or pledgee, (but not in blank), of the warehouseman's receipt therefor, signed by the person to whom the receipt was originally given, or by an indorsee of the receipt, and recorded in the books of the warehouseman with whom such goods and chattels are stored.

SECTION 3. Goods and chattels stored with a public warehouseman may be attached as the goods of the person named in the warehouseman's receipt therefor, when no indorsement of such receipt has been recorded on the books of the warehouseman; and where any such indorsement has been recorded, may be attached as the goods of the last indorsee of the receipt, shown by the books of the warehouseman, by leaving at the warehouse where the goods are stored, a copy of the writ, without the declaration but with a copy of so much of the officer's return thereon as relates to the attachment of such goods. And an attachment so made shall be valid against any transfer of such goods, the evidence of which is not recorded in the books of the warehouseman, when the copy of the writ is so left.

SECTION 4. Sections two, four and five, of chapter two hundred and six of the acts of the year eighteen hundred and sixty are repealed.

SECTION 5. This act shall take effect upon its passage.

*Approved April 19, 1873.*

#### AN ACT IN RELATION TO THE SMELT FISHERY.

*Be it enacted, &c., as follows:*

SECTION 1. Whoever takes or catches any smelts with a net of any kind or in any other manner than by naturally or artificially baited hooks and hand-lines, shall forfeit for each smelt so taken or caught, the sum of twenty-five cents: *provided*, that nothing herein contained shall apply

Indorser liable to defendant for costs.

Title to pass by indorsement of purchaser upon warehouseman's receipt.

Goods may be attached as belonging to person named in receipt when no indorsement is recorded.

Repeal of 1860, 206, §§ 2, 4, 5.

*Ch. 211.*

Smelts not to be caught except by hook and line.

Proviso.

to any person catching smelts in any seine or net in Taunton Great River, or to any person lawfully fishing for herrings or alewives in Dukes County, or to any person lawfully fishing for perch or alewives in Bass River or its tributaries in the towns of Yarmouth and Dennis, or to any person lawfully fishing for perch, herring or alewives in North River in Scituate or in either branch of Westport River.

Repeal.

SECTION 2. Section thirty-one of chapter three hundred eighty-four of the acts of eighteen hundred sixty-nine is repealed.

*Approved April 19, 1873.*

### Ch. 212.

AN ACT CONCERNING THE MODE OF ADMINISTERING OATHS.

*Be it enacted, &c., as follows:*

Oath may be administered in the form considered most solemn by the parties to be sworn.

SECTION 1. When a person to be sworn before any court or magistrate shall declare that any peculiar mode of swearing is, in his opinion, more solemn and obligatory than holding up the hand, the oath may be administered in such mode.

Repeal of G. S. 131, § 9.

SECTION 2. Section nine of chapter one hundred and thirty-one of the General Statutes is repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved April 19, 1873.*

### Ch. 213.

AN ACT TO INCREASE THE COMPENSATION FOR SUPPORT OF PAUPERS BEFORE REMOVAL.

*Be it enacted, &c., as follows:*

Amendment to G. S. 70, § 14.

Section fourteen of chapter seventy of the General Statutes is amended by striking out the words "one dollar" and inserting instead thereof the words "two dollars."

*Approved April 19, 1873.*

### Ch. 214.

AN ACT TO AUTHORIZE THE TOWN OF LEXINGTON TO DRAIN THE MEADOWS NEAR THE CENTRAL VILLAGE.

*Be it enacted, &c., as follows:*

Lexington may lower channel of Vine Brook for purposes of drainage.

SECTION 1. The town of Lexington may drain the meadows on the southerly side of the central village by lowering the channel of Vine Brook, commencing at some convenient point above where said brook is crossed by the Lexington and Arlington Railroad, and terminating on or below the land of Estabrook and Blodgett; and the said town may also drain the meadows on the northerly side of said village by lowering the ditch or channel of the brook which runs from these meadows, commencing at some suitable point above Charles Tidd's watering-place, and terminating at or below the causeway leading to the house

of George W. Robinson. And, for the purposes aforesaid, the town may make such excavations and cut such cross or side drains or ditches in said meadows, or in the low and swampy lands connected therewith, as may be deemed necessary. And the town may take as much land as may be found necessary to establish and maintain the drainage as herein provided.

May make excavations in meadows.

SECTION 2. The selectmen, by whom the powers herein granted to the town, are to be exercised, may enter upon said meadows and other lands adjacent, for the purpose of making surveys, and completing the said drainage. But, before they commence any excavation, they shall adopt a general plan, showing, substantially, the land proposed to be taken, the width and depth of the excavations, and the cross or side drains deemed necessary; and shall give information to the land owners and all concerned, by posting a written notice in not less than three public places in Lexington, seven days, at least, before the time appointed for a hearing, stating the time when, and place where the plan will be made known, the premises viewed, and the parties heard; and the plan adopted by the selectmen, with such alterations and modifications, if any, as they shall deem expedient after said hearing, shall be the plan to be carried out and completed.

Selectmen to adopt a general plan of the work proposed to be done.

Parties interested entitled to a hearing.

SECTION 3. After the plan of drainage shall have been adopted, and the location of the side-drains fixed, the board shall, if requested by the owner of any land taken for said drainage, furnish him with a plan of the lands so taken, showing the quantity of said land and the width and depth of the excavation; and in letting out, or contracting for, said drainage, the excavating shall first be offered to the owner of said land, and preference shall be given to him in any bid for the work; provided the bid is deemed reasonable and the party responsible.

Owner of land to be furnished with plan, and to have preference in bids for the work.

SECTION 4. In constructing the drain in the meadows northerly of the village, the town may cross the Middlesex Central Railroad, where it shall become necessary, by a suitable culvert or culverts, which shall be constructed in a manner satisfactory to said railroad corporation.

Town may cross Middlesex Central R. R. by suitable culverts.

SECTION 5. The expense of lowering or altering the culverts across the public highways, shall be borne by the town; and the other expense of drainage shall be assessed

Expense of altering culverts to be borne by town.

upon the individuals whose land is taken or is benefited by the said drainage, in the manner hereinafter provided.

Expense of drainage to be assessed upon persons whose estates are benefited.

SECTION 6. The selectmen shall keep an account of the expense of the drainage through or on the land of each individual, and shall assess the whole cost of the improvement, except that of crossing the highways, upon the persons whose lands or estates are benefited, in proportion to the betterment arising from said drainage; and said assessment shall constitute a lien upon said land or estate, in the same manner as taxes are a lien, and may be collected in the same manner as taxes on real estate are collected. And, if any person whose land is taken or deemed to be benefited by said drainage, shall feel himself aggrieved by the decision or the assessment of the selectmen, he shall have the same remedy as is provided in the case of the laying out of highways.

The meadows north and south of the village to be regarded as distinct and separate.

SECTION 7. The meadows north and the meadows south of the village shall, so far as the assessment of damages is concerned, be regarded as distinct and separate from each other; and any sum paid by the Middlesex Central Railroad towards the construction of culverts under said railroad, shall be deducted from the sum which would, otherwise, be assessed upon those affected by the drainage in the north meadows.

Obstructions to be removed by owner of land.

SECTION 8. If, after the completion of said drainage, the channel, drain or ditch in any part of the land drained, shall become, from any cause, obstructed, so as to impede the necessary flow of water, and the owner or occupant of the land in which said obstruction exists, refuses or unreasonably neglects to remove the same after being requested so to do by the selectmen of Lexington, the said selectmen may enter upon the premises, and clear out the channel, drain or ditch, and remove any obstruction to an easy flow of the water: *provided, however*, that the owners or occupants of the meadows or land bordering on said channels, drains or ditches may, in the dry season of the year, with the consent of the selectmen, place any flash-boards in the channels, drains or ditches, so as to raise the water in order to promote vegetable culture on the shores of said water-courses.

Subject to acceptance by the town.

SECTION 9. This act shall take effect when accepted by the citizens of Lexington, at a legal meeting called for that purpose.

*Approved April 19, 1873.*



AN ACT TO AMEND AN ACT IN RELATION TO THE HOLYOKE AND  
NORTHAMPTON BOOM AND LUMBER COMPANY.

Ch. 215.

*Be it enacted, &c., as follows:*

SECTION 1. Section two of chapter three hundred and sixty-two of the acts of the year one thousand eight hundred and seventy-one is so amended that the capital stock of the Holyoke and Northampton Boom and Lumber Company, shall not be less than fifty thousand dollars. Said section is also amended by striking out the words, "it may also construct and maintain a boom from the shore at Holyoke, to an island in the Connecticut River, a short distance above the Holyoke dam."

Amendment to  
1871, 362, § 2.

SECTION 2. This act shall take effect upon its passage.

*Approved April 19, 1873.*

## AN ACT TO INCORPORATE THE LYNN CITY STREET RAILWAY COMPANY.

Ch. 216.

*Be it enacted, &c., as follows:*

SECTION 1. M. V. B. Mower, Isaac Newhall, John Mudge, their associates and successors, are made a corporation under the name of the Lynn City Street Railway Company, with authority to construct, maintain and use a street railway for the transportation of passengers, with single or double tracks, in the city of Lynn; commencing at or near the intersection of Chestnut and Essex Streets, and thence running in an easterly direction on Essex Street to the dividing line between Lynn and Swampscott; or commencing at or near the intersection of Chestnut and Mason Streets, and thence running in a north-easterly direction on Mason Street to Essex Street, thence in an easterly direction on Essex Street to the dividing line between Lynn and Swampscott; and commencing again at or near the intersection of Chatham and Essex Streets, and thence running northerly on Chatham Street to Maple Street, thence south-westerly on Maple Street to Chestnut Street, the distance being about two miles; with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force, relating to street railways.

Corporators.

Name and pur-  
pose.

Route of road.

Power and du-  
ties.

SECTION 2. Said corporation may connect with, enter upon and use the tracks of the Lynn and Boston Railroad Company as follows: commencing at or near the intersection of Chestnut Street and Essex Street or Mason Street, thence running in a southerly direction over their tracks on Chestnut Street to Union Street, thence south-

May connect  
with Lynn and  
Boston Horse  
R. R.

westerly on Union Street to Central Square, thence through Central Square to Central Avenue, thence on Central Avenue to the junction of Central Avenue and Willow Street.

May lease road. SECTION 3. Said corporation may lease its railroad, franchise and other property, upon such terms and conditions as may be agreed upon by the directors, and approved by the stockholders at a meeting called for the purpose.

Capital stock. SECTION 4. The capital stock shall not exceed twenty-five thousand dollars.

SECTION 5. This act shall take effect upon its passage.

*Approved April 19, 1873.*

**Ch. 217.** AN ACT TO AUTHORIZE THE PURCHASERS OF THE FRANCHISE OF THE WARE RIVER RAILROAD COMPANY, TO ORGANIZE A CORPORATION AND COMPLETE THE ROAD.

*Be it enacted, &c., as follows:*

Purchasers of franchise may organize a corporation.

SECTION 1. Whenever the grantees under the mortgage of the Ware River Railroad Company, shall by virtue of the power therein contained, sell the property and franchise of the mortgagor, for the purpose of foreclosure, the purchaser or purchasers shall, on the completion of the conveyance to them, be with their associates and successors, a corporation, under the name of the Ware River Railroad Company, with all the rights, powers, privileges and franchises of the mortgagor, and free from any liability or debts incurred by the mortgagor, and the said corporation shall be subject to all the general laws relating to railroad corporations not inconsistent with the provisions of this act.

Powers and duties.

Meeting of bondholders to be held within thirty days after sale.

SECTION 2. Within thirty days after the sale as aforesaid, a meeting of the bondholders of said Ware River Railroad Company shall be held at some convenient place on the line of said railroad, after notice signed by one or more of the purchasers at said sale, and by the trustees under the mortgage, and published for a period of fourteen days prior to the day of said meeting, in at least one newspaper printed in each county in which said railroad has a location, which notice shall set forth that said meeting is for the purpose of organizing the corporation under the provisions of this act.

Bondholders to receive payment in shares, or ratable proportion of proceeds of sale.

SECTION 3. Each bondholder who at the meeting provided for in the preceding section shall signify in writing his election so to do, shall be entitled to receive in pay-

ment of his bonds, stock at par in the corporation formed under the provisions of this act, to the amount of the bonds held by him in the former company; otherwise he shall receive his ratable proportion of the proceeds of the sale, according to the provisions of said mortgage; and the stockholders both by subscription and surrender of bonds, shall at said meeting organize the corporation by the choice of a clerk and a board of directors, in accordance with law, and may transact any other business that may be required to complete the organization of the corporation, or to carry into effect the purposes and provisions of this act.

SECTION 4. The corporation formed as aforesaid, is authorized to mortgage its road, together with all its property, rights and franchise, to secure any bonds that may at any time be issued by it in accordance with the laws of this Commonwealth.

Road may be mortgaged.

SECTION 5. This act shall take effect upon its passage.

*Approved April 21, 1873.*

AN ACT TO AUTHORIZE THE MILFORD AND WOONSOCKET RAILROAD COMPANY TO EXTEND ITS ROAD AND UNITE WITH THE RHODE ISLAND AND MASSACHUSETTS RAILROAD COMPANY.

*Ch. 218.*

*Be it enacted, &c., as follows:*

SECTION 1. The Milford and Woonsocket Railroad Company is authorized to extend its road through Franklin and Wrentham to some convenient point on the north line of Rhode Island, in Wrentham, there to connect with a railroad to be built in Rhode Island from said point to another point on the west line of Attleborough; also, thence to extend its road through Attleborough to another point on the west line of Attleborough, there to connect with a railroad to be built in Rhode Island from said point to another point on the west line of Attleborough; also, thence to extend its road through Attleborough to the south line of Attleborough, there to connect with a railroad to be built in Rhode Island.

May extend road to connect with railroads in Rhode Island.

SECTION 2. For the purposes aforesaid, said corporation may increase its capital stock by the issue of one thousand shares in addition to the stock now authorized by law.

May increase capital stock.

SECTION 3. The Milford and Woonsocket Railroad Company is authorized to unite with the Rhode Island and Massachusetts Railroad Company, which has been incorporated by the legislature of Rhode Island to build a rail-

May unite with Rhode Island and Mass. Railroad.

Powers and  
duties.

road from the southerly line of Wrentham to tide-water in East Providence; and when the two companies shall have so united, the stockholders of one company shall become stockholders in the other company, and the two companies shall constitute one corporation by the name of the Rhode Island and Massachusetts Railroad Company, and all the franchises, property, powers and privileges granted or acquired under the authority of this state or the state of Rhode Island, respectively, shall be held and enjoyed by all the said stockholders in proportion to the number of shares or amount of property held by them respectively in either or both of said companies.

One director to  
be an inhabitant  
of this State.

SECTION 4. One at least of the directors or other officers of said Rhode Island and Massachusetts Railroad Company, shall at all times be an inhabitant of this state, upon whom processes against said corporation may be legally served, and said corporation shall be held to answer in the jurisdiction where the service is made, and the process is returnable.

To keep separate  
accounts of  
expenditures in  
Rhode Island  
and Mass.

Commissioners.

SECTION 5. Said corporation shall keep separate accounts of its expenditures in the states of Rhode Island and Massachusetts, and a commissioner shall be appointed by the governor of this state to hold office for the term of four years, and to receive a reasonable compensation from said corporation, who together with such commissioner if any, as may be appointed by the governor of the state of Rhode Island, shall decide what portion of all the expenditures of said corporation, and of its receipts and profits properly pertain to that part of the road lying in each state, respectively; and the annual report required to be made to the railroad commissioners of this state shall be approved by said commissioners or commissioner appointed as aforesaid.

Duties and lia-  
bilities.

SECTION 6. The said corporation and the stockholders therein, so far as their road shall be situated in this state, shall be subject to all duties and liabilities created by the provisions of the original act of incorporation of the Milford and Woonsocket Railroad Company, and the several acts in amendment thereof, and to the general laws of this state, to the same extent as the Milford and Woonsocket Railroad Company and the stockholders therein would have been, had the whole line of said railroad been located within the limits of this state.

Provisions in  
four preceding

SECTION 7. The provisions contained in the four pre-

ceding sections shall not take effect until said provisions shall have been accepted by the stockholders of said Milford and Woonsocket Railroad Company, and the same or like provisions shall have been accepted by the stockholders of the company organized in the state of Rhode Island, at legal meetings called for the purpose.

SECTION 8. This act shall take effect upon its passage.

*Approved April 22, 1873.*

AN ACT CONCERNING THE REBUILDING OF THE HAVERHILL BRIDGE.  
*Be it enacted, &c., as follows:*

SECTION 1. The county commissioners of the county of Essex, may allow to the city of Haverhill and town of Bradford, from the treasury of the county of Essex, such portion of the cost of rebuilding the Haverhill Bridge over the Merrimac River, between said city and town, as they shall deem just and equitable, not exceeding twenty thousand dollars; and the said commissioners may borrow money necessary for that purpose: *provided*, said bridge shall be rebuilt and open for travel, and to the acceptance of said commissioners, within one year from the passage of this act.

sections subject to acceptance by stockholders in both roads.

Ch. 219.

County comms. sioners may allow \$20,000 toward expenses of rebuilding bridge.

Proviso.

SECTION 2. The said commissioners may close said bridge to public travel for such time as they deem reasonable for its reconstruction, and establish a pontoon or other temporary bridge, with the necessary approaches thereto, as a highway, and may discontinue the same; and in executing the authority herein conferred upon them, they shall proceed in the manner now provided by law for the laying out and discontinuance of highways and closing the same for repairs.

May close bridge during reconstruction and establish temporary bridge.

SECTION 3. Said city and town shall be liable for defects in such temporary bridge in the same proportions as they are now liable for defects in said Haverhill Bridge, and damages shall be recovered in actions of tort brought against said corporations jointly, in which actions judgment shall be rendered against each corporation for its proportion only of the amount recovered.

Liability for defects in temporary bridge.

SECTION 4. This act shall take effect upon its passage.

*Approved April 22, 1873.*

AN ACT TO EXTEND THE CHARTER OF THE LYNN MUTUAL FIRE INSURANCE COMPANY.

*Be it enacted, &c., as follows:*

SECTION 1. The charter of the Lynn Mutual Fire Insurance Company is amended by striking out the words

Ch. 220.

Charter amended.

limiting its duration; and said corporation shall continue in existence with the powers and privileges, and subject to the restrictions, duties and liabilities, set forth in the general laws, which now are or hereafter may be in force, and applicable to such corporations.

SECTION 2. This act shall take effect upon its passage.

*Approved April 22, 1873.*

**Ch. 221.** AN ACT TO INCORPORATE THE ESSEX MECHANICS' ASSOCIATION.

*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. John C. Hoadley, George D. Cabot, Pardon H. Armington, their associates and successors, are made a corporation by the name of the Essex Mechanics' Association, to be located in the city of Lawrence, for the purpose of assisting mechanics and their families, of promoting inventions and improvements, and of establishing a library and reading-room.

Name and purpose.

Real and personal estate.

SECTION 2. Said corporation may receive, purchase, hold and convey real and personal property to an amount not exceeding fifty thousand dollars in value, and the income of said corporation, from whatever source derived, shall be used for the purposes mentioned in section one.

SECTION 3. This act shall take effect upon its passage.

*Approved April 22, 1873.*

**Ch. 222.** AN ACT CONCERNING THE FEES OF DEPUTY SHERIFFS.

*Be it enacted, &c., as follows:*

Fees for attendance at courts.

SECTION 1. Deputy-sheriffs shall be paid for attendance upon the supreme judicial court or the superior court, four dollars and fifty cents a day; and for travel out and home once a week during such attendance, five cents a mile, to be paid out of the county treasury.

SECTION 2. This act shall take effect upon its passage.

*Approved April 22, 1873.*

**Ch. 223.** AN ACT TO CONFIRM THE PROCEEDINGS OF THE TOWN OF BARNSTABLE IN ABOLISHING THE SCHOOL DISTRICT SYSTEM.

*Be it enacted, &c., as follows:*

Proceedings ratified and confirmed.

SECTION 1. The votes of the town of Barnstable at its annual meetings in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, to abolish the school district system therein, and to take the school-houses and school district property and to establish schools and high schools therein, with the subsequent acts and proceedings in pursuance of the same, and the titles acquired thereunder, are hereby ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

*Approved April 22, 1873.*

## AN ACT TO EXPEDITE THE SETTLEMENT OF ESTATES OF DECEASED PERSONS.

Ch. 224.

*Be it enacted, &c., as follows:*

SECTION 1. Any probate court may, upon application of a person interested in an estate in process of settlement in such court, direct the temporary investment of the money belonging to such estate in securities to be approved by the judge; or may authorize the same to be deposited in any bank or institution in this state, empowered to receive such deposits, upon such interest as said bank or institution may agree to pay.

Court may authorize temporary investment of money belonging to an unsettled estate.

SECTION 2. When it shall be made to appear to any probate court, that a partial distribution of the personal property of any estate in process of settlement therein, can be made to those entitled thereto, without detriment to such estate, said court may, after such notice to all parties interested therein as it may direct, order such partial distribution to be made.

May order partial distribution of personal property before estate is settled.

SECTION 3. Probate courts in the several counties may, concurrently with the supreme judicial court, hear and determine all matters arising under wills, in the same manner as is now provided by law in relation to trusts created by will.

Probate court concurrently with S. J. C. may determine matters under wills, &c.

*Approved April 22, 1873.*

## AN ACT TO AUTHORIZE CITIES AND TOWNS TO CHARGE INTEREST ON CERTAIN TAXES.

Ch. 225.

*Be it enacted, &c., as follows:*

SECTION 1. Whenever a city or town has fixed a time within which taxes assessed therein shall be paid, such city by its city council, and such town, at the meeting when money is appropriated or raised, may vote that on all taxes remaining unpaid after a certain time, interest shall be paid at a specified rate, not exceeding one per centum per month; and may also vote that on all taxes remaining unpaid after another certain time, interest shall be paid at another specified rate, not exceeding one per centum per month; and the interest accruing under such vote or votes shall be added to, and be a part of, such taxes.

Cities and towns may charge interest on unpaid taxes.

SECTION 2. Chapter one hundred and forty-six of the acts of the year eighteen hundred and sixty-two is repealed.

Repeal of 1862, 146.

SECTION 3. This act shall take effect upon its passage.

*Approved April 22, 1873.*

**Ch. 226.** AN ACT CONCERNING STATE DIRECTORS OF RAILROAD CORPORATIONS.*Be it enacted, &c., as follows :*

State directors  
to make annual  
report to the  
legislature.

SECTION 1. State directors of railroad corporations shall, on or before the second Wednesday of January in each year, make to the legislature a report of their doings, together with such suggestions as to them shall seem fit, with respect to the measures necessary to secure to the public the greatest convenience and economy in the matter of freight and travel.

Member of legis-  
lature not eligi-  
ble as State di-  
rector.

SECTION 2. No member of the legislature shall, during the term for which he is elected, be eligible to the office of state director in any railroad corporation.

Stockholder or  
employee not  
eligible.

SECTION 3. Hereafter no person shall be eligible to the office of state director in any railroad corporation who is in the employ of said corporation or who owns stock therein.

*Approved April 22, 1873.***Ch. 227.** AN ACT TO PROVIDE FOR THE CONFINEMENT OF PERSONS ACQUITTED OF THE CHARGE OF MURDER OR MANSLAUGHTER BY REASON OF INSANITY.*Be it enacted, &c., as follows :*

Person acquit-  
ted of murder,  
&c., by reason of  
insanity to be  
committed to  
State lunatic  
hospital for life.

SECTION 1. When a person indicted for murder or manslaughter is acquitted by the jury by reason of insanity, the court shall order such person to be committed to one of the state lunatic hospitals during his natural life.

May be dis-  
charged from  
hospital by gov-  
ernor and coun-  
cil.

SECTION 2. Any person committed to a state lunatic hospital under the provisions of this act, may be discharged therefrom by the governor, by and with the advice and consent of the council, whenever he shall be satisfied, after a hearing of the matter, that such person may be discharged without danger to others.

SECTION 3. This act shall take effect on its passage.

*Approved April 22, 1873.***Ch. 228.** AN ACT CONCERNING PILOTAGE IN THE HARBOR OF GLOUCESTER.*Be it enacted, &c., as follows :*

Rates for pilot-  
age into Glou-  
cester harbor.

SECTION 1. The rates of pilotage for vessels liable to pay pilotage bound into the harbor of Gloucester, shall be for vessels drawing seven feet and less than twelve feet, one dollar and fifty cents per foot; for those drawing twelve feet and upwards, the same as for the ports of Salem and Beverly.

Repeal.

SECTION 2. All acts or parts of acts inconsistent with the provisions of this act are repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved April 23, 1873.*



AN ACT AUTHORIZING THE CLERK OF THE COURTS IN THE COUNTY OF BERKSHIRE TO DRAW PAY FOR CLERK-HIRE FROM THE COUNTY TREASURY. *Ch. 229.*

*Be it enacted, &c., as follows:*

SECTION 1. The clerk of the courts in the county of Berkshire shall receive from the treasury of said county the sum of five hundred dollars per annum for clerk-hire, payable quarterly, from the first day of January, eighteen hundred and seventy-three: *provided, however,* that the bills for such clerk-hire shall be approved by the county commissioners of said county. *Allowance of \$500 per annum for clerk hire. Proviso.*

SECTION 2. This act shall take effect upon its passage.

*Approved April 23, 1873.*

AN ACT IN RELATION TO THE MILL-DAMS ON MILL RIVER, IN THE CITY OF TAUNTON. *Ch. 230.*

*Be it enacted, &c., as follows:*

SECTION 1. The owners of dams on Mill River, in the city of Taunton, are released from the existing liability to construct fishways over or around said dams for the term of twenty years; provided, they either shall pay to the town of Norton one thousand dollars within sixty days from the passage of this act; or if requested by said town, shall stock the ponds which are the headwaters of said river in the town of Norton, with black bass and land-locked salmon, to the satisfaction of the commissioners on inland fisheries, and within such time as said commissioners shall order. *Owners released from liability to construct fishways over dams on Mill River, in Taunton.*

*Approved April 24, 1873.*

AN ACT TO ESTABLISH HARBOR LINES ON MYSTIC RIVER BETWEEN THE BRIDGE OF THE EASTERN RAILROAD COMPANY AND THE BRIDGE OF THE BOSTON AND MAINE RAILROAD. *Ch. 231.*

*Be it enacted, &c., as follows:*

SECTION 1. No wharf, pier or other structure shall be extended into or over tide-water in Mystic River, between the bridge of the Eastern Railroad Company and the bridge of the Boston and Maine Railroad, from the northerly bank of said river, beyond the line hereinafter defined on the northerly side of said river, or from the southerly bank of said river beyond the line hereinafter defined on the southerly side of said river. *Wharves not to be extended into Mystic River beyond harbor-lines between bridges of Eastern and B. & M. railroads.*

The line on the northerly side of Mystic River begins at the south-westerly corner of the solid abutment of the bridge of the Eastern Railroad Company on the northerly side of the channel and runs north-westerly in a line which, if continued, shall strike a point in the easterly side of the embankment of the bridge of the Boston and *Northerly line.*

Maine Railroad, six hundred feet northerly from the south-east corner of the solid abutment of the last-named bridge on the northerly side of the channel, to a point three hundred and fifty feet easterly from said last-named corner of abutment.

Southerly line.

The line on the southerly side of Mystic River begins at a point on the easterly side of the bridge of the Eastern Railroad Company, distant three hundred and seventy-five feet north-easterly from the north-easterly corner of the solid abutment of said last-named bridge on the southerly side of the channel, and runs north-westerly to a point on the easterly side of the bridge of the Boston and Maine Railroad, distant six hundred and twenty-five feet northerly from the north-easterly corner of the solid abutment of said last-named bridge on the southerly side of the channel.

SECTION 2. This act shall take effect upon its passage.

*Approved April 24, 1873.*

## Ch. 232.

AN ACT TO CHANGE CERTAIN HARBOR LINES IN FORT POINT CHANNEL.

*Be it enacted, &c., as follows :*

Harbor-lines  
changed in Fort  
Point Channel.

SECTION 1. The second section of the thirty-fifth chapter of the acts of the year eighteen hundred and forty, is amended by striking out all after the words "north-west corner of said Thatcher's small wharf" near the end of said section, and substituting the following, viz.: Thence easterly in a straight line parallel to the line of solid filling of the northerly side of the wharf of the Boston Iron Company on the easterly side of Federal Street bridge, a distance of five hundred and twenty feet; thence north-easterly on an arc of a circle of three hundred feet radius to a point three hundred and eighteen feet from the west side of Mount Washington Avenue, measured on a line perpendicular thereto; thence in a straight line and tangent to said arc in such northerly direction that if continued straight it shall not approach within six hundred feet of Arch Wharf.

Repeal of 1864,  
310, § 1.

SECTION 2. The first section of the three hundred and tenth chapter of the acts of the year eighteen hundred and sixty four is repealed.

Provisions of  
1856, 293, §§ 6, 7,  
9, to apply to  
line established.

SECTION 3. The provisions of the sixth, seventh and ninth sections of the two hundred and ninety-third chapter of the acts of the year eighteen hundred and fifty-six, shall apply to the line established by this act.

*Approved April 24, 1873.*

AN ACT TO INCORPORATE THE KENOZA STREET RAILWAY COMPANY *Ch. 233.*  
OF HAVERHILL.*Be it enacted, &c., as follows:*

SECTION 1. Alfred Kittredge, William G. Howe, David P. Bodfish, Thomas Sanders, their associates and successors, are made a corporation by the name of the Kenoza Street Railway Company, with power to construct, maintain and operate a street railway from a point near the passenger station of the Boston and Maine Railroad in the city of Haverhill, to the soldiers' monument, and from thence to Lake Kenoza, and also to the state line, and in such other streets in the city of Haverhill as the board of mayor and aldermen may from time to time designate.

Corporators.

Name and purpose.

SECTION 2. Said corporation may construct and operate such portion of the road of the Merrimac Street Railway Company as may be agreed upon by the two corporations, subject to the approval of the board of mayor and aldermen of the city of Haverhill.

May construct and operate Merrimac Street R. R.

SECTION 3. The capital stock of said corporation shall not exceed sixty thousand dollars.

Capital stock.

SECTION 4. After said company has complied with the provisions of section six, chapter three hundred and eighty-one of the acts of the year eighteen hundred and seventy-one, concerning street railways, it may issue bonds to an amount not exceeding one-half of the par value of the shares, fixed by the directors of the company, payable at such times as may be fixed therein, not exceeding twenty-years from their respective dates, with interest not exceeding seven per centum per annum, payable semi-annually. And it may secure the same by a mortgage of its franchise and any of its property, real or personal, which mortgage shall be recorded in the registry of deeds for the southern district of Essex.

May issue bonds to run twenty years at seven per cent. interest.

May mortgage property.

SECTION 5. This act shall take effect upon its passage.

*Approved April 24, 1873.*AN ACT TO AUTHORIZE THE TOWN OF MANCHESTER TO CONSTRUCT  
A CAUSEWAY OR BRIDGE IN SAID TOWN. *Ch. 234.**Be it enacted, &c., as follows:*

SECTION 1. License is granted to the town of Manchester to construct and maintain a solid causeway, with a lock or gate, or a bridge with a draw, as the selectmen of said town may deem expedient, from Proctor's Point, across an arm of the sea, to Girdler's Wharf, in said town; and said selectmen are authorized to lay out said

Town may construct a causeway or bridge from Proctor's Point to Girdler's Wharf, in Manchester.

causeway or bridge as a town way. Said lock, or gate, or draw, so constructed, shall be opened and closed as may be required for the passage of vessels at all times, under the direction and at the cost and charge of said town: *provided, however*, that this license shall be subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

Proviso, ' Subject to acceptance by vote of the town.

SECTION 2. This act shall not take effect until it is accepted by a majority of the voters of the town of Manchester, present and voting at a legal town meeting called for the purpose.

*Approved April 25, 1873.*

**Ch. 235.** AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE UNION FREIGHT RAILROAD COMPANY.

*Be it enacted, &c., as follows:*

To receive and deliver passenger cars at its connections with other railroads.

SECTION 1. The Union Freight Railroad Company, is authorized and required to receive and deliver passenger cars at each of its connections with the tracks of other railroad corporations made pursuant to the provisions of its charter, and to haul such cars over its road at its established rates; provided, that nothing in this act shall be construed as affecting any legal rights of the Commercial Freight and Marginal Freight Railway Companies.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved April 25, 1873.*

**Ch. 236.** AN ACT TO CHANGE THE NAME OF THE WORKINGMEN'S SAVINGS BANK.

*Be it enacted, &c., as follows:*

Name changed.

SECTION 1. The Workingmen's Savings Bank, in the village of Florence, Northampton, shall hereafter be called the Florence Savings Bank.

SECTION 2. This act shall take effect upon its passage.

*Approved April 25, 1873.*

**Ch. 237.** AN ACT TO INCORPORATE THE NEW ENGLAND LODGE ASSOCIATES, IN THE CITY OF CAMBRIDGE.

*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. James M. Price, Frederick Goodfellow and George L. Mitchell, their associates and successors, are made a corporation by the name of The New England Lodge Associates, for the purpose of purchasing or erecting a building, in the city of Cambridge, and maintaining the same for the purposes of an Odd Fellows' hall, and for any other lawful purpose; with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force applicable to such corporations.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed seventy-five thousand dollars, and said corporation may hold for the purposes aforesaid, real and personal estate not exceeding the amount of the capital stock: *provided*, that no liability shall be incurred until ten thousand dollars of its capital stock has been paid in in cash.

Capital stock.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

*Approved April 25, 1873.*

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF HAVERHILL.

*Ch. 238.*

*Be it enacted, &c., as follows:*

SECTION 1. The city council of the city of Haverhill shall elect by joint ballot in convention, on the first Monday of January, eighteen hundred and seventy-four, three persons to be members of the board of overseers of the poor, one for one year, one for two years and one for three years; and thereafter the city council shall, annually, on the first Monday of January, elect in the same manner, one person to hold office for the term of three years.

Overseers of the poor to hold office for three years.

SECTION 2. So much of section nineteen of chapter sixty-one of the acts of the year eighteen hundred and sixty-nine, as provides for the annual election of three members of the board of overseers of the poor is repealed.

Repeal of portion of 1869, 61, § 19.

*Approved April 25, 1873.*

AN ACT TO ESTABLISH A HOSPITAL FOR THE INSANE IN THE NORTHEASTERN PART OF THE COMMONWEALTH.

*Ch. 239.*

*Be it enacted, &c., as follows:*

SECTION 1. The governor, with the advice and consent of the council, is authorized to appoint three persons, who shall be a board of commissioners, with full power to purchase, subject to the approval of the governor and council, suitable real estate for a site for a new lunatic hospital, within either of the counties of Middlesex or Essex, and to cause to be erected thereon suitable buildings, sufficient to accommodate four hundred patients, a superintendent, steward, assistant-physicians, and their families, and all necessary subordinate officers and attendants. And the said board shall have power to make all contracts and to employ all agents necessary to carry into effect the provisions of this act: *provided*, that all contracts for the erection of buildings and the purchase of materials and supplies shall be approved by the governor and council; and *provided, further*, that the aggregate

New lunatic hospital to be erected in Essex or Middlesex counties.

Contracts to be approved by governor and council.

Aggregate cost  
not to exceed  
\$650,000.

State treasurer  
may issue scrip  
to the amount of  
\$650,000 at six  
per cent. interest  
upon the order  
of the governor  
and council.

Treasurer may  
borrow money  
in anticipation  
of the issue of  
scrip.

Proviso.

expenses and liabilities incurred by virtue thereof shall not exceed the sum of six hundred and fifty thousand dollars. The said board shall present all their accounts to the auditor for examination and approval.

SECTION 2. In order to meet any expenses incurred by said board under the provisions of this act, the governor is authorized to draw his warrant on the treasurer of the Commonwealth for such sums as may be required from time to time for carrying out said provisions, and the sum of six hundred and fifty thousand dollars is appropriated, and the treasurer of the Commonwealth is authorized, upon the order of the governor and council, to issue scrip or certificates of debt to the amount of said appropriation, which shall be expressed in such currency, and shall bear such rate of interest, not exceeding six per centum per annum, as the governor and council may direct, and shall be redeemable in not less than twenty nor more than thirty years from the date thereof, and said treasurer shall sell or otherwise dispose of the same as he may deem proper, subject to the approval of the governor and council.

SECTION 3. The treasurer, under the direction of the governor and council, may borrow, in anticipation of the issue of scrip authorized as above, such sums as may be necessary for any of the purposes of this act; *provided*, that the whole amount borrowed by authority hereof and remaining unpaid, shall, at no time, exceed the amount of six hundred and fifty thousand dollars.

SECTION 4. This act shall take effect upon its passage.

*Approved April 25, 1873.*

*Ch.* 240. AN ACT IN ADDITION TO AN ACT TO REGULATE FREIGHT CHARGES ON RAILROADS.

*Be it enacted, &c., as follows:*

Penalty of \$200  
for violation of  
provisions of  
1871, 363.

A railroad corporation for each violation of the provisions of chapter three hundred and sixty-three of the acts of the year eighteen hundred and seventy-one, in addition to liability for all damages sustained by reason of such violation, shall be liable to a penalty of two hundred dollars, which may be recovered in an action of tort to his own use by the party aggrieved, or to the use of the Commonwealth by the attorney-general, or the district-attorney of the district in which such violation was committed: *provided, however*, that no such action shall be maintained unless the same shall be brought within sixty days from the date of such violation. *Approved April 25, 1873.*

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL PURPOSES. *Ch. 241.**Be it enacted, &c., as follows:*

SECTION 1. The sums hereinafter mentioned in this section are appropriated, and shall be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, and also from the income of other funds, as herein specified, for the year eighteen hundred and seventy-three, to wit:—

For the support of the state normal schools, a sum not exceeding fifty-two thousand dollars.

Appropriations.

State normal schools.

For teachers' institutes, a sum not exceeding three thousand dollars, to be expended in accordance with the provisions of chapter thirty-five of the General Statutes.

Teachers' institutes.

For aid to pupils in the state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the board of education.

Aid to pupils in normal schools.

For postage, printing, advertising, stationery, transportation of documents for the board of education, and for the secretary thereof, and for printing the school laws, a sum not exceeding twelve thousand and five hundred dollars.

Board of education.  
Postage and printing.

For expenses of members of the board of education, a sum not exceeding three hundred dollars.

Expenses of members.

For the salary of such agents as the board of education may employ, including the transportation and exhibition of casts and models in the department of drawing, a sum not exceeding eight thousand dollars, in addition to the amount heretofore appropriated for the present year.

Salaries of agents.

For painting the normal school building at Framingham and repairs thereon, for heating apparatus and for furniture, for chemical apparatus and books of reference, a sum not exceeding three thousand dollars.

Normal school building at Framingham.

For apparatus, chemicals, books of reference, models and furniture for the normal school at Westfield, a sum not exceeding six hundred dollars.

Normal school at Westfield.

For finishing and furnishing the art-room in the normal school building at Bridgewater, a sum not exceeding six hundred dollars.

Normal school building at Bridgewater.

For finishing and furnishing two rooms in the normal school building at Salem, a sum not exceeding two thousand two hundred dollars.

Normal school building at Salem.

For the Massachusetts Teachers' Association, the sum of eight hundred dollars, on condition that said associa-

Mass. Teachers' Association.

tion shall furnish a copy of the "Massachusetts Teacher" to each board of school committee in the several cities and towns in the Commonwealth, during the year eighteen hundred and seventy-three, and furnish satisfactory evidence thereof to the auditor of accounts.

County teachers' associations.

For county teachers' associations, a sum not exceeding three hundred dollars.

American institute of instruction.

For the American Institute of Instruction, the sum of three hundred dollars, to be paid to the president of said institution in the month of August next.

Income of Rogers book fund.

The income of the Rogers book fund shall be expended in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of eighteen hundred and fifty-seven.

Income of Todd normal school fund.

The income of the Todd normal school fund shall be paid to the treasurer of the board of education, to be applied by said board in accordance with chapter thirty-six of the General Statutes.

Income of agricultural college fund.

The income of the Agricultural College fund shall be paid in accordance with the provisions of chapter one hundred and eighty-six and chapter two hundred and twenty of the acts of eighteen hundred and sixty-three.

Unexpended balance of income of school fund.

SECTION 2. The unexpended balance of the moiety of the income of the school fund applicable to educational purposes for the year eighteen hundred and seventy-two, shall be added to such moiety of the income of said fund for the current year.

SECTION 3. This act shall take effect upon its passage.

*Approved April 25, 1873.*

*Ch. 242.*

AN ACT IN ADDITION TO THE ACTS RELATING TO THE ARLINGTON LAKE WATER COMPANY.

*Be it enacted, &c., as follows:*

Purchase of franchise and property of the Arlington Lake Water Company ratified and confirmed.

SECTION 1. The purchase of the franchise, property, rights and privileges, of the Arlington Lake Water Company, by the town of Arlington, and the transfer and conveyance thereof by said corporation to said town, is ratified and confirmed; and said town may take, hold and convey into and through the town of Arlington the waters of Sucker Brook and the tributaries thereof, of the springs, brooks and watershed of the meadows lying near said Sucker Brook and its tributaries, and of the Great Meadows lying in the easterly part of the town of Lexington, from Lewis' Mills, or any point westerly of said mills, within the watershed of Sucker or Munroe and



North Brooks, for the purpose of collecting and securing a supply of pure water for the inhabitants of the town of Arlington; and for this purpose said town, in addition to the rights, powers and authority already and herein conferred upon said town, shall have, exercise and enjoy all the rights, powers and authority conferred upon said Arlington Lake Water Company by the acts to which this act is in addition, and shall exercise all of said rights, powers and authority, subject to the restrictions, duties and liabilities herein and in said acts contained, except as herein otherwise provided, by such officers and agents as said town may, from time to time, choose, appoint and direct. Such officers and agents shall be subject to such ordinances, rules and regulations, in the execution of their trust, as the town may from time to time establish, not inconsistent with this act and the laws of the Commonwealth. And the acts of said town, and of its officers and agents, in execution of the purposes of this act and of the acts to which this act is in addition, so far as the same may appear to be invalid from any want of authority on the part of said town, are authorized, ratified and confirmed.

Rights, powers and duties conferred upon the town.

SECTION 2. Said town may build aqueducts and maintain the same by any works suitable therefor; it may erect and maintain dams to raise and retain the water taken and collected; it may construct and maintain reservoirs within or without said town of Arlington, but not within the town of Lexington, except within the limits described in the preceding section; it may make, erect and maintain, and carry on such other works as may be necessary and proper for raising the water into the reservoirs, and forcing and distributing it through and about said town; it may, from time to time, make and establish public hydrants and fountains in such places within its limits as it may deem proper, and it may prescribe the purposes for which the same may be used, and change or discontinue the same; it may distribute the water within its limits, and for this purpose may lay down pipes to any house or building, the owner or owners thereof having notice and not objecting thereto; it may regulate the use of said water, and establish, receive and collect the prices or rents to be paid therefor; it may, for the purposes aforesaid, carry, conduct and maintain any aqueducts, pipes or other works by it made, laid down or

Town may build aqueducts and maintain dams and reservoirs.

May regulate use of water and establish water-rates.

conducted, over, under, through or across any water-course, canal, street, bridge, railroad, highway or other way, in such a manner as not to obstruct travel or the free use thereof; it may enter upon and dig up any such road, street or way for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same; and in general it may do all things necessary or convenient and proper for carrying out the purposes of this act, and the acts to which this act is in addition.

• May take and hold real estate.

SECTION 3. Said town for the purposes aforesaid may take and hold, by purchase or otherwise, such real estate as may be necessary for collecting and securing a supply of water as aforesaid, and for preserving the purity thereof, and may also take and hold, in like manner, such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, retaining, conducting and distributing such waters within its limits, and for discharging and disposing of said waters. The said town shall, within sixty days from the time of taking any land as aforesaid, file in the registry of deeds for the southern district of the county of Middlesex, a description of the land so taken, sufficiently accurate for identification, and state the purpose for which it is taken.

Liability of town for damages.

SECTION 4. Said town shall be liable to pay all damages sustained by any person or persons in their property by the taking of any land, rights of way, water, water-rights or easements, or by the erection of any dams, or by the construction of any aqueducts, reservoirs, water-ways or other works for the purposes aforesaid; and if the owner or owners of any property taken as aforesaid, or other person or persons sustaining damage as aforesaid, shall not agree on the damages to be paid therefor, he or they at any time within three years from the taking of the said property, or the sustaining of damages as aforesaid, may apply for an assessment of damages by petition to the superior court in the county in which the property is situated. Such petition may be filed in the clerk's office of said court, in vacation or in term-time, and the clerk shall thereupon issue a summons to the said town of Arlington, returnable, if issued in vacation, at the next term of the said court, to be held after the expiration of

fourteen days from the filing of said petition; and if in term-time, returnable on such day as said court shall order, to appear and answer to the said petition. The said summons shall be served fourteen days at least before the term or day at which it is returnable, by leaving a copy thereof and of the said petition, certified by the officer who shall serve the same, with the clerk of said town; and the said court may, upon default or hearing of said town, appoint three disinterested persons, who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the said persons so appointed, or a major part of them, being returned into and accepted by the said court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of said parties shall claim a trial by jury as hereinafter provided.

Commissioners  
may be ap-  
pointed to assess  
damages.

SECTION 5. If either of the parties mentioned in the fourth section shall be dissatisfied with the amount of damages awarded, as therein expressed, such party, at the term at which such award may be accepted, or the next term thereafter, may claim in writing a trial in said court, and have a jury to hear and determine, at the bar of said court, all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of said jury being accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the said parties respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Parties dissat-  
isfied with award  
for damages may  
have a trial by  
jury.

SECTION 6. In every case of a petition to the superior court for the assessment of damages, as provided in this act, the town may tender to the complainant or his attorney any sum that it shall think proper, or may bring the same into court to be paid to the complainant for damages by him sustained or claimed in his petition; and if the complainant shall not accept the sum with his costs up to that time, but shall proceed in his suit, he shall be entitled to his costs up to the time of the tender of such payment into court, and not afterwards, unless the complainant shall recover greater damages than were so offered.

Town may make  
a tender for  
damages.

Application for damages not to be made until water is actually taken.

SECTION 7. No application shall be made to the court for the assessment of damages for the taking of any water or water-rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town, under the authority herein given.

Arlington water scrip may be issued not exceeding \$150,000 at seven per cent. interest.

SECTION 8. For the purpose of defraying the cost of such franchise, corporate property, lands, water and water-rights as are taken, purchased or held for the purposes aforesaid, and for constructing works necessary and proper for the accomplishment of the purposes authorized by this act, and the acts to which this act is in addition, and of paying all damages, costs and expenses incident thereto, said town by its selectmen and treasurer, shall have authority to issue from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof, Arlington Water Scrip, to an amount not exceeding one hundred and fifty thousand dollars, bearing interest not exceeding seven per centum per annum, payable semi-annually; the principal shall be payable at periods not more than twenty years from the issuing of said notes, scrip or certificates respectively. Said treasurer, under the authority of said town, may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as he may deem proper, or as may be prescribed by the town. Said town is further authorized to make appropriations and assess, from time to time, such amounts as it may deem proper, towards the payment of the principal of the money so borrowed, and also a sum sufficient to pay the interest thereof, in the same manner as money is assessed and appropriated for other town purposes; but said town shall not raise more than five thousand dollars in any one year to pay the principal of said scrip, except in the year in which the same or any part thereof may become due.

Town may make appropriations for payment of principal and interest.

Water commissioners to be elected.

SECTION 9. At a special meeting called for that purpose, to be held by said town in the year eighteen hundred and seventy-three, there shall be elected a board of three water commissioners, one for one year, one for two years, and one for three years, from the fourth day of March, in the year eighteen hundred and seventy-three, and annually thereafter at the annual meeting, as the terms expire, one commissioner shall be elected for three years.

Any vacancy which may occur in said board of commissioners may be filled at a meeting of the voters of said town, called and held for the purpose.

Said board of water commissioners shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act, and exercise all the rights, powers and authority hereby granted, and not otherwise specially provided for herein; they shall have the general supervision and control of the use of the water, and the care, management and custody of the water-works of the town, and the property connected therewith, subject to the vote of the town. Said commissioners shall receive such salaries or compensation as said town by vote may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

Compensation  
to be fixed by  
the town.

SECTION 10. Said water commissioners shall annually make a full report in writing to the town, at its annual meeting, of all their acts and doings and the condition of the property under their control, with such recommendations as they shall judge the interests of the town require; and shall make and present in said report an estimate of such prices or rents for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest on the Arlington water scrip, and also after three years from the first day of January, eighteen hundred and seventy-three, for the further payment of not less than one per centum of the principal of said scrip.

Commissioners  
to make full re-  
port to the town  
at its annual  
meeting.

SECTION 11. At any time after the expiration of three years from the first day of January, eighteen hundred and seventy-three, and before the payment of the principal of the said Arlington water scrip, if the surplus income and receipts for the use of water distributed under this act, at the price or rent established by the town, after deducting all expenses and charges of distribution, shall for any two successive years be insufficient to pay the accruing interest on said scrip, and the one per centum to the sinking fund herein provided for, then the supreme judicial court, or any justice thereof, on petition of fifty or more of the legal voters of said town, praying that said price or rent may be increased, so far as may be necessary for the purpose of paying, from said surplus income and receipts, said accruing interest, and said one

Water rates may  
be increased af-  
ter three years,  
if income is not  
sufficient to pay  
accruing inter-  
est and one per  
cent. to sinking  
fund.

per centum to the sinking fund, and upon due notice of the pendency of such petition, given to said town, in such manner as said court shall order, may appoint three commissioners, who, upon due notice to the parties interested, may raise and increase said price or rent if they shall judge proper, so far as may be necessary for the purpose aforesaid, and no further; and the award of said commissioners, or the major part of them, being returned to the said court at the next term thereof at the southern district of the county of Middlesex, and accepted by the said court, shall be binding and conclusive for the term of three years next after the said acceptance, and until the price or rent so fixed shall, after said term, be changed by said town.

Rates for use of water to be paid over to town treasurer.

SECTION 12. The prices or rents received for the use of water shall, when collected, be paid over to the treasurer of the town, and after deducting all charges of distribution and repairs and other expenses incident to the same, and after the payment therefrom of the semi-annual interest upon said scrip, shall be set apart with all amounts appropriated from time to time by said town, for the payment of the principal sum of said scrip, as a sinking fund, which with the accumulated interest upon the same shall be devoted solely to the payment of said scrip of said town at maturity. Said sinking fund may be invested in the scrip authorized by this act, at a price not exceeding its par value, or on such loans, or in such securities as by law the funds of savings banks may be invested in, except that no portion of the same shall be loaned directly or indirectly to said town, or upon mere personal security.

Sinking fund.

Water accounts to be kept separate from other accounts of the town.

SECTION 13. The treasurer of said town, shall keep separate accounts of said water rents and receipts, and of said charges, expenses and interest, and of said sinking funds, which accounts shall be kept apart from the other accounts of the town, and shall at all times be open to the inspection of the water commissioners of said town. The treasurer shall annually make a written report to the town, at its annual meeting, of the condition of said accounts, and of said sinking fund, and the changes of investment during the then preceding year. The selectmen and water commissioners shall jointly, as often as once in each year, examine the accounts and securities of the sinking fund, and shall report the result of their examination to the town, in connection with the report of the treasurer.

SECTION 14. The occupant of any tenement shall be liable for the payment of the rent or price for the use of the water in such tenement, and also the owner thereof shall be liable, if on being notified of such use he does not object thereto.

Occupant and owner of tenement liable for water rates.

SECTION 15. If any person shall use any of said water without the consent of said town, or shall wantonly or maliciously divert the water or any part thereof, or of the sources thereof, taken or held by said town, under the provisions of this act, or of the acts to which this act is in addition, or corrupt the same or render it impure, or destroy, injure, or unlawfully interfere with any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said town, under the authority and for the purposes of this act, or of the acts to which this act is in addition, he shall forfeit and pay to said town, three times the amount of damage assessed therefor, to be recovered in an action of tort, and on conviction of either of the wanton, malicious or unlawful acts aforesaid, may be also punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for unlawfully using water or rendering it impure.

SECTION 16. This act shall take effect upon its passage.

*Approved April 25, 1873.*

AN ACT AUTHORIZING AN INCREASE OF THE CAPITAL STOCK OF THE MANUFACTURERS' GAS COMPANY OF FALL RIVER.

*Ch. 243.*

*Be it enacted, &c., as follows:*

SECTION 1. The Manufacturers' Gas Company of Fall River may increase its capital stock, by adding thereto one hundred thousand dollars, and invest such portion thereof in real and personal estate, as may be necessary and convenient for carrying on the business for which said company was incorporated.

\$100,000 additional capital stock.

SECTION 2. No stock shall be issued under this act for a less sum than the par value of the original shares, and in the disposition of said new stock, the said company shall not be subject to the provisions of chapter thirty-nine of the acts of the year eighteen hundred and seventy-three.

Stock not to be issued at less than par value of original shares.

SECTION 3. This act shall take effect upon its passage.

*Approved April 25, 1873.*

AN ACT TO INCORPORATE THE OLD COLONY WHARF COMPANY.

*Ch. 244.*

*Be it enacted, &c., as follows:*

SECTION 1. Russell A. Ballou, Farrington McIntire, William Boynton, their associates and successors, are

Corporators.

made a corporation under the name of the Old Colony Wharf Company, subject to the general laws which are or may be in force applicable to such corporations.

May purchase  
land and con-  
struct wharves  
and docks.

SECTION 2. Said corporation may purchase and hold, in fee simple or otherwise, all or any part of the tract of land and flats situated in Boston, and bounded on the west by the Old Colony Railroad, on the south by Savin Hill, and on the east and north by the harbor commissioners' lines in Dorchester Bay; and said corporation may, within the limits aforesaid, construct wharfs and docks, erect buildings, lay out streets, and otherwise manage and dispose of said property; *provided*, that all excavations and structures in tide-waters shall be subject to chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

Proviso.

Capital stock.

SECTION 3. The capital stock of said corporation shall be six hundred thousand dollars, with the right to increase said capital stock to twelve hundred thousand dollars; *provided*, that no liability shall be incurred until the sum of one hundred and fifty thousand dollars shall be paid in in cash.

SECTION 4. This act shall take effect upon its passage.

*Approved April 26, 1873.*

## Ch. 245.

AN ACT AMENDING THE CHARTER OF THE CITY OF FALL RIVER.

*Be it enacted, &c., as follows:*

City charter  
amended.

SECTION 1. The inhabitants of the city of Fall River, for all the purposes for which towns and cities are by law incorporated in this Commonwealth, shall continue to be a body politic and corporate, under the name, of the City of Fall River; and as such shall have, exercise and enjoy the rights, immunities, powers and privileges, and shall be subject to the duties and obligations now incumbent upon and appertaining to said city as a municipal corporation.

Government  
vested in mayor  
and city council.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one municipal officer, to be styled the mayor; one council of six, to be called the board of aldermen; one council of eighteen, to be styled the common council; which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for doing business.

Quorum.



SECTION 3. It shall be the duty of the city council, in the year eighteen hundred and seventy-three, and in every fifth year thereafter, and not oftener, to revise, and, if it be needful, make a new division of the city into such number of wards, not less than six, as said council shall deem the interests of the city may require, and the revision or increase of said wards shall be done in such manner that said wards shall contain, as nearly as may be consistent with well-defined limits, to each ward, an equal number of qualified voters in each ward, according to a census of voters which shall be taken in the months of May and June in said years; and until such new revision or increase is made, the boundary line of the wards of said city, shall remain as now established; *provided*, that in case the number of wards shall be increased, each ward shall be entitled to one alderman and three common councilmen, which aldermen and common councilmen shall be denominated the city council, who, with the mayor, shall exercise all the powers granted in section two of this act.

Division of city  
into wards.

SECTION 4. A meeting of the citizens qualified to vote, shall, for the purpose of choosing mayor, aldermen, common councilmen and ward officers, be held annually, on the first Tuesday of December; and the municipal year shall begin on the first Monday in January following.

Annual election.

SECTION 5. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned in such manner and at such times as the city council may by ordinance direct.

Warrants for  
meetings for mu-  
nicipal purposes  
to be issued by  
mayor and al-  
dermen.

SECTION 6. The mayor shall be a resident of the city and a voter, and shall be elected by ballot by the qualified voters of the city at large, voting in their respective wards; and he shall hold his office for one year from the first Monday of January following the annual meeting, and until another shall be elected and qualified in his stead.

Mayor shall be a  
resident of the  
city and a voter.

SECTION 7. One alderman and three common councilmen shall be elected from and by the voters of each ward of the city, and shall be residents of the wards where elected. The said aldermen and common councilmen shall be chosen by ballot, and shall hold their offices for one year from the first Monday of January following the

One alderman  
and three com-  
mon councilmen  
to be elected in  
each ward.

annual meeting; *provided*, that said aldermen and common councilmen shall hold their offices until a majority of both said boards shall be elected and qualified.

Election of ward officers.

SECTION 8. At the annual meeting to be held on the first Tuesday of December, there shall be chosen by ballot in each of the wards of the city, a warden, clerk and three inspectors of elections, who shall be different persons, residents of the ward in which they are chosen, and who shall hold their offices for the municipal year next following said meeting, and until others are chosen and qualified

Ward meetings.

to act. It shall be the duty of said wardens to preside at all ward meetings, with the power of moderators of town meetings, and if at any meeting the warden is not present, the clerk of said ward shall call the meeting to order and preside until a warden *pro tempore* is chosen by ballot; and if at any meeting the

Clerk and inspectors.

clerk is not present, a clerk *pro tempore* shall be chosen by ballot; and if both the warden and clerk are absent, the senior in age of the inspectors of elections of said ward, present, may preside until a warden *pro tempore* is chosen as aforesaid; and in case of the absence of all said officers, the constable who returns the warrant to said ward meeting may call the meeting to order and preside until a warden *pro tempore* is chosen by ballot; and whenever any ward officer shall be absent, or neglect or refuse to perform the duties of his office, his office shall

Duties of clerk.

be filled *pro tempore* by ballot. The clerk shall record all the proceedings and certify the ballots given at any election, in a book to be provided by the city for such purposes, and deliver to his successor in office, all such books and records, together with all other documents, papers and things held by him in the said capacity; and shall, within forty-eight hours after his election, deliver to each person elected to a ward office a certificate of his election, signed by the warden, clerk and a majority of the inspectors of elections.

Duties of inspectors.

It shall be the duty of the inspectors of elections to assist the warden in receiving, assorting and counting the ballots given at any election. The warden,

Ward officers to be sworn.

clerk and inspectors so chosen shall respectively make oath or affirmation faithfully and impartially to perform their several duties, relative to all elections, which oath or affirmation may be administered by the clerk of such ward to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of

Bristol; and the fact or certificate that such oath or affirmation has been taken shall be entered on the record of the ward by the clerk thereof.

SECTION 9. At the annual meeting of the citizens for the election of mayor, aldermen, common councilmen and ward officers, held on the first Tuesday in December, the citizens of said city qualified to vote for state officers, shall for the purposes of such election, then meet together within the wards in which they are entitled to vote, at such hour and place as the mayor and aldermen may by their warrants direct and appoint, and give in their ballots for mayor, aldermen, common councilmen and ward officers, in accordance with the provisions of this act; and all ballots so given in shall be assorted, counted and declared by the warden, and recorded by the clerk in open ward meeting; and the names of all persons receiving ballots, and the number of ballots received for each person, and the title of the office for which he is proposed, shall be written in the ward records in words at length; and the person having the highest number of ballots for aldermen, common councilman or ward officer at said election, shall be declared elected; and a transcript of such record, certified by the warden, clerk and a majority of the inspectors of elections for each ward, shall forthwith be transmitted or delivered by such ward clerk to the clerk of the city; and if the choice of aldermen, common councilmen or ward officers shall not be effected on that day in any ward, by reason of two or more persons receiving the same number of ballots for the same office, the meeting in such ward may be adjourned from time to time to complete such election.

Election on the first Tuesday in December annually.

Transcript of record to be delivered to city clerk.

SECTION 10. The clerks of the several wards, within forty-eight hours after such election, shall deliver to the persons elected aldermen, and to each person elected common councilman a certificate of his election, certified by the warden, clerk and a majority of the inspectors of elections.

Certificates of election.

SECTION 11. It shall be the duty of the city clerk forthwith to enter the copies of the records of the several wards received from the ward clerks, certified as aforesaid, or a plain and intelligible abstract of them, upon the journal of the board of aldermen or some book kept for that purpose.

City clerk to enter copies of records upon the journal of the board of aldermen.

Mayor elect to be notified by board of aldermen.

SECTION 12. The board of aldermen, within four days after such election, shall examine the copies of the records of the several wards, and shall cause the person that shall have received the greatest number of ballots for mayor to be notified in writing, of his election; but if it appears by said records that no person has been elected, or if the person elected refuses to accept the office, said board shall issue their warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the choice of mayor, and from time to time be repeated until a mayor is chosen and accepts said office.

Provisions for examination of ballots by aldermen when returns by ward officers are believed to be erroneous.

SECTION 13. If within ten days after an election for mayor, aldermen, common councilmen or ward officers, ten or more voters of any ward notify the city clerk, by a written statement, that they have reason to believe that the returns of the ward officers are erroneous, and shall specify wherein they deem them in error, the said clerk shall receive such statement, and shall notify the board of aldermen thereof, and the board of aldermen shall within four days thereafter examine the ballots thrown in said ward, and determine the questions raised; they shall then enclose the ballots in an envelope, and seal the same with the seal of the city, or a seal provided for the purpose, and shall endorse upon said envelope a certificate that the said ballots have been recounted and resealed in conformity to law; and the ballots sealed as aforesaid shall be returned to the city clerk. They shall also certify to the city clerk the result of their examination, who upon their certificate shall alter and amend such returns as have been found to be erroneous, and such amended return shall stand as the true return of the ward; and if said examination shall prove that any person or persons, other than those declared by the warden of the ward to be elected, have been chosen to an office, the city clerk shall forthwith forward to the person or persons found by said examination to have been elected, a certificate of their election, and the office to which elected, which certificate shall be *prima facie* evidence of their right to hold said office.

Mayor, aldermen and common councilmen elect to meet in convention on the first Monday

SECTION 14. The aldermen and common councilmen elect shall on the first Monday of January, at ten o'clock in the forenoon, meet in their respective rooms; and the board of aldermen shall be called to order by the mayor

elect, or, in his absence, by their eldest senior member; and the common councilmen shall be called to order by their eldest senior member, and on the appearance of a quorum of each board, notice shall be communicated to the other of that fact, and the two branches shall then forthwith meet in convention, when the oath or affirmation required by this act shall be administered to the mayor elect by the city clerk, or any justice of the peace for the county of Bristol; and to the members of the two boards present by the mayor, or any justice aforesaid; and a certificate of such oath having been taken, shall be entered in the journals of the boards of aldermen and of the common council, by their respective clerks.

in January and  
be sworn.

SECTION 15. After the organization of the city government as aforesaid, the two branches shall separate, and the persons chosen and qualified as aldermen shall meet, and if a quorum shall be present, said board shall proceed to choose a permanent chairman, who shall, in the absence of the mayor, preside at all meetings of said board, and in convention of the two branches; and in case of any vacancy in the office of mayor for any cause, he shall exercise all the powers and perform all the duties of said office as long as such vacancy continues; and he shall always have a vote in said board, and in convention of the two branches, but shall not, in addition, have a casting vote. In the absence of the mayor and chairman of the board of aldermen, said board may choose a chairman *pro tempore*.

Chairman of  
board of alder-  
men to be elected  
who shall pre-  
side in the ab-  
sence of mayor.

SECTION 16. The persons chosen and qualified as members of the common council, shall meet and act together as a separate body, distinct from that of the board of aldermen, except in those cases in which the two bodies meet in convention; and the said council shall have power from time to time to choose by ballot one of their own members president, who shall preside over their deliberations and preserve order and decorum therein, and to choose by ballot a clerk, who shall be sworn to the faithful discharge of the duties of his office, and shall hold his office until a successor has been chosen and qualified in his stead. It shall be the duty of the clerk to attend said council when the same is in session, to keep a journal of its acts, votes and proceedings, and to perform such other duties in said capacity as said council may require, and he shall receive such compensation for

President and  
clerk of the com-  
mon council.

his services as the city council may determine. In case of a vacancy by death, resignation or otherwise, in the office of clerk, the council may choose by ballot a clerk to fill such vacancy. In the absence of the clerk, a clerk *pro tempore* may be chosen. Said council, for cause, may remove the clerk at any time.

Vacancies in the board of aldermen or common council.

SECTION 17. Whenever it shall appear to the board of aldermen that there is a vacancy, by removal from the city, or by death, resignation or any other cause, in the board of aldermen or common council, the board of aldermen shall issue their warrant in due form to fill all such vacancies in either of said boards, and the same proceedings shall be had, and adjournments, if necessary, as are herein before prescribed for the annual meeting for the election of aldermen and common councilmen, and the person elected to fill such vacancy shall be sworn to the faithful discharge of the duties of his office, and may serve for the unexpired term for which the member, whose place he fills, was to have held office. But in case of a vacancy in the common council, such warrant shall not be issued until the board of aldermen receive notice thereof from said council.

Qualification of members chosen to fill vacancies.

SECTION 18. Any person chosen a member of the board of aldermen, or of the common council, who shall not be qualified at the organization of the city council, on the first Monday of January, or who, after said organization, shall be elected to fill a vacancy in either of said boards, may be qualified at any time thereafter by the mayor, in presence of the board of aldermen.

Each board to keep record of its own doings.

SECTION 19. Each board shall keep a record of its own proceedings, and judge of the elections of its own members.

Proceedings in case of failure to elect mayor or his refusal to accept office.

SECTION 20. Whenever, on examination by the board of aldermen of the returns of ballots given for mayor at the meetings of the wards, holden for the purpose of electing that officer last preceding the first Monday in January in each year, no person shall appear to be chosen, the board of aldermen, by whom such examination is made, shall make a record of that fact, an attested copy of which the city clerk shall read in the presence of the persons returned to serve as aldermen and common councilmen, at the opening of the convention to be held on the first Monday in January in each year, and the oath or affirmation prescribed by this act may then be admin-

istered to the members elect. The two bodies shall then separate, and the board of aldermen may proceed to elect a chairman as provided in section fifteen, and the common council a president and clerk, as herein before provided, and proceed to business; and the board of aldermen shall forthwith issue their warrants in due form for a meeting of the citizens of the respective wards for the choice of a mayor, and the same proceedings shall be had in all respects as are herein before prescribed for the choice of mayor, and shall be repeated from time to time until a mayor shall be chosen and shall accept said office; and the oath of office may at any time thereafter in convention of the two branches of the city council, be administered to the mayor by the city clerk, or by any justice of the peace for the county of Bristol; and the two branches shall meet in convention for that purpose, whenever the mayor elect may signify to them his readiness to be qualified.

SECTION 21. In case of the decease or resignation of the mayor, or of his inability to perform the duties of his office, the board of aldermen and common council shall respectively by vote declare that a vacancy exists in said office, and the cause thereof, whereupon the board of aldermen shall issue their warrants in due form for the election of a mayor, and the same proceedings shall be had as are herein before provided for the choice of a mayor; and the mayor thus elected shall hold his office during the remainder of the year, and until another is chosen and qualified in his stead.

When vacancy exists warrants to be issued for election of mayor.

SECTION 22. The mayor shall be the chief executive officer of said city. It shall be his duty to be vigilant and active in causing the laws, ordinances and regulations of the city to be duly executed and enforced, and to exercise a general supervision over the conduct and acts of all subordinate officers, and to examine into all complaints preferred against them for a violation or neglect of duty, and, as far as in his power, cause all negligence, carelessness and violation of duty to be duly prosecuted and punished; and whenever in his judgment the good of the city may require it, he may call meetings of the board of aldermen and common council, or either of said boards, by causing written notices to be left at the place of residence of each member of the board or boards to be convened, or delivered to them in person, although the meeting of said boards, or either of them, may stand

Mayor to be chief executive officer of city.

May call meetings of board of aldermen and common council.

adjourned to a more distant day; and he shall perform such other duties as the city council may legally and reasonably require. The mayor, from time to time, shall communicate to both branches of the city council all such information, and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, government and ornament of the city. He shall, when present, preside in the board of aldermen and in convention of the two branches of the city council, and shall in all cases have a casting vote.

To preside in  
board of alder-  
men and in con-  
vention.

SECTION 23. The mayor shall receive two thousand dollars per annum for his services until otherwise determined by the city council; but the amount of such compensation shall not be increased nor diminished during the term for which said officer shall have been elected, nor after the thirtieth day of November of any year. The aldermen shall receive one hundred dollars each, and the common councilmen fifty dollars each per annum in full for their respective services; and no committee, joint or special, shall receive any compensation.

Compensation  
of mayor, alder-  
men and com-  
mon council-  
men.

SECTION 24. All sittings of the mayor and aldermen, of the common council and of the city council shall be public, when they are not engaged in executive business.

Sittings to be  
public when not  
engaged in execu-  
tive business.

SECTION 25. The executive power of said city generally, together with the administration of the police, and all the powers vested in the selectmen of towns by the laws of the Commonwealth, shall be, and hereby are vested in the mayor and aldermen as fully and amply as if the same were herein specially enumerated, and the mayor and aldermen shall have full and exclusive power and authority to appoint a city marshal and such number of assistant marshals, constables and police officers as they shall deem expedient; and the same may be removed by the mayor or board of aldermen at pleasure. The mayor and aldermen may require any person who may be elected or appointed marshal or constable of the city to give bonds for the faithful discharge of the duties of his office, with such security and to such an amount as they may deem reasonable and proper, upon which bonds the like proceedings and remedies may be had as are by law provided in the case of constables' bonds taken by the selectmen of towns.

Executive  
power to be  
vested in mayor  
and aldermen.

City marshal,  
constables and  
police officers.



SECTION 26. All other powers vested in the inhabitants of towns in this Commonwealth, and all powers granted by this act shall be vested in the mayor, aldermen and common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other; but the city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention, a city clerk, a city treasurer, assessors of taxes, collector of taxes, auditor, city solicitor, city physician, engineers of fire department, one or more surveyors of highways, superintendent of the poor and overseers of the poor, and shall, in such manner as the said city council may determine, by ordinance made for that purpose, elect all other officers necessary for the good government, peace and health of the city, not herein otherwise directed, who shall hold their offices for the term of one year from the first Monday of March of each year, and until their successors shall be chosen and qualified: *provided, however*, that any officer elected by the city council may be removed at any time by said council, for sufficient cause; and in case of the death, resignation or removal of any officer elected by the city council, his place may be filled in the manner provided in this section for the election of city officers, and any person so elected shall hold office only for the unexpired term of the person who has ceased to hold office.

Treasurer, city clerk, &c., to be elected in convention.

To hold office for one year.

Proviso.

SECTION 27. The city clerk, elected as herein before provided, shall be sworn to the faithful discharge of the duties of his office, and shall hold the same for one year, and until a successor is chosen and qualified in his stead, but may at any time be removed by the city council. He shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the mayor and aldermen, and do such other acts in his said capacity as the city council may lawfully and reasonably require of him, and shall deliver over all journals, records, papers and documents, and other things entrusted to him as city clerk, to his successor in office, immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereunto required by the city council. He shall also perform all the duties and exercise all the powers by law incumbent upon, or vested in clerks of towns in this Commonwealth.

City clerk to be sworn.

To have charge of all journals and records of the city.

City clerk to be clerk of the board of aldermen.

SECTION 28. The city clerk shall also be clerk of the board of aldermen; it shall be his duty to attend said board when the same is in session, and keep a journal of its acts, votes and proceedings; also of the city council when in joint convention. He shall engross all the ordinances passed by the city council in a book provided for that purpose, with proper indexes, which book shall be deemed a public record of such ordinances, and shall perform such other duties as shall be prescribed by the board of aldermen.

City clerk *pro tempore*.

SECTION 29. In case of the temporary absence of the city clerk, the mayor, by and with the advice and consent of the board of aldermen, may appoint a city clerk *pro tempore*.

Assessors of taxes to be elected in convention and to hold office for three years.

SECTION 30. The city council, as soon as convenient after the acceptance of this act, shall elect by joint ballot, in convention, three persons to be assessors of taxes, one to serve until the first Monday of March, in the year eighteen hundred and seventy-four, one to serve until the first Monday of March, eighteen hundred and seventy-five and one to serve until the first Monday of March, eighteen hundred and seventy-six, and until their successors respectively are chosen and qualified. In each succeeding year, and as soon after the organization of the city council as may be convenient, said council shall elect by joint ballot, in convention, one assessor of taxes, who shall hold his office for the term of three years from the first Monday of March, in said year, and until his successor is chosen and qualified. The assessors thus chosen shall constitute the board of assessors for the city, and shall exercise the powers and be subject to the duties and liabilities of assessors of towns in this Commonwealth, and shall be sworn to the faithful performance of the duties of their office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Board of school committee.

SECTION 31. The board of school committee for the city of Fall River shall consist of such number of persons, divisible by three, as the city council by ordinance, shall determine, and shall be chosen by said council by joint ballot, in convention, and shall hold their office for the term of three years, from the first Monday of January

following their election. One-third of said committee shall be chosen annually in the month of December, who, together with the members of the committee whose term of office shall not expire on said first Monday of January, shall have the general charge and superintendence of the public schools of said city. In case of a failure to elect during the month of December as aforesaid, the city council shall proceed to fill said vacancy; and whenever by reason of death, resignation, removal or refusal to serve, a vacancy shall occur, the remaining members of the school committee shall give notice to the city council of the same, who shall forthwith proceed to fill said vacancy.

SECTION 32. The city council, in the month of May of the present year, and annually thereafter in the month of January, shall elect by joint ballot, in convention, one aldermen and two common councilmen, residents of different wards, as overseers of the poor; and the persons thus chosen shall, with the mayor and president of the common council, constitute the board of overseers of the poor and directors of the almshouse of said city; and shall have all the powers, and be subject to all the duties belonging to and incumbent upon overseers of the poor and directors of almshouses in towns in this Commonwealth. The mayor shall, *ex officio*, be chairman of said board.

SECTION 33. The city council shall fix the compensation of all officers, and shall define their duties, so far as the same are not determined by the laws of the Commonwealth.

SECTION 34. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; but if a person so nominated shall be rejected, it shall be the duty of the mayor to make another nomination, within one month from the time of such rejection.

SECTION 35. No person holding the office of alderman or common councilman, shall, at the same time, hold any office of emolument, the salary of which is paid from the treasury of the city; and the acceptance of any such office by any member of the board of aldermen or common council shall be deemed, and taken to be, a resignation of

Overseers of the poor.

Compensation of all officers to be fixed by city council.

Appointments to be made by mayor, subject to confirmation, &c., by aldermen.

Aldermen and common councilmen not to hold any other salaried office payable from the city treasury.

their seat in said board ; and the place so vacated shall be filled as herein before provided for vacancies in either of said boards.

City council to require bonds from persons intrusted with money and to have custody of all city property.

SECTION 36. The city council shall take care that money shall not be paid from the treasury unless granted or appropriated ; shall secure a just and prompt accountability, by requiring bonds with sufficient penalties and sureties, from all persons entrusted with the receipt, custody or disbursement of money ; and shall have the care and superintendence of city buildings and the custody and management of all city property, with power to let or sell what may be legally let or sold ; and to purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may, in their judgment, require it ; and the city council shall, as often as once a year, cause to be published for the use of the inhabitants of the city, a particular account of receipts and expenditures, and a schedule of city property and the city debt.

To publish annually an account of receipts and expenditures.

Fire department may be established by ordinance.

SECTION 37. The city council may, by ordinance, establish a fire department, to consist of a chief engineer and so many assistant engineers, and so many enginemen, hosemen and hook-and-ladder-men as the city council shall from time to time deem the interest of the city may require ; and said city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and mode of removal of any officer or member of said department, to make such requisitions in respect to their qualifications and period of service, to define their offices and duties, to fix and pay such compensation for their services, and in general, to make such regulations in regard to their conduct and government as they shall deem expedient : *provided*, that the appointment of engine-men, hosemen, and hook-and-ladder-men shall be made by the mayor and aldermen exclusively. The engineers of the department shall have all the powers and authority in regard to the prevention and extinguishment of fires, and the performance of the other offices and duties incumbent upon firewards, as are vested in and conferred upon firewards and engineers of fire departments by the statutes of the Commonwealth. They shall also have authority, in compliance with any ordinance of said city, to raze or demolish any building, wall or erection which, by reason of fire or any other

Engine-men, hosemen and hook-and-ladder-men to be appointed by mayor and aldermen.

cause, may become dangerous to human life or health, or tend to extend conflagration. The city council of said city may, by ordinance, make regulations concerning the management of fires, and the conduct of all persons attending or present thereat, the removal and protection of property, for the examination of any buildings or places where combustible materials or substances are supposed to be kept or deposited, and to require and enforce the removal of such materials or substances at the expense of the person or persons on whose premises the same shall be found, and the adoption of suitable safeguards against fires and the loss or destruction of property thereat. Said city council may construct reservoirs for water, procure land, buildings, furniture, engines and such other apparatus as may be necessary for the purposes of the fire department, and provide for the use, control and preservation thereof. The city council may appropriate and expend such sums of money for the relief of firemen disabled in the service of the city, and for the relief of the families of firemen killed in the performance of their duty, as they may deem just and proper.

Regulations for management of fires may be made by city council.

Relief for disabled firemen.

SECTION 38. The list of jurors shall be prepared by the mayor and aldermen in the manner now required of selectmen of towns, and the list shall be submitted to the common council for concurrent action or amendment. The mayor, aldermen and city clerk shall have and exercise all the powers and duties in regard to drawing jurors, and other matters relating thereto, as are vested in and required of selectmen and clerks of towns in this Commonwealth.

Jury-list to be prepared by mayor and aldermen and submitted to common council for concurrence, &c.

SECTION 39. The city council shall have power to lay out and construct sidewalks, and establish the width, height and grade of the same in such streets, lanes and avenues of the city as they shall deem the public convenience may require, and may assess the abutters on said sidewalks one-half the expense thereof, which assessment shall constitute a lien upon the abutting lots of land, and may be collected in the same manner as taxes on real estate are collected; and such sidewalks, when constructed, as aforesaid, shall afterwards be maintained and kept in repair by the city. No sidewalk constructed in conformity with the provisions of this act shall be dug up or obstructed in any part thereof, without the consent of the mayor and aldermen.

Sidewalks may be constructed and abutters assessed for one-half of the expense.

Streets and  
avenues may be  
lighted.

SECTION 40. The said council may cause the streets, lanes and avenues of the city to be lighted, and for that purpose may erect posts, and construct lamps, lay gas-pipes or other apparatus in said streets, lanes and avenues, and do such other things as may be necessary to carry into effect said purpose.

Fire districts  
may be estab-  
lished.

SECTION 41. They shall also have power to establish fire districts within said city, and from time to time change or enlarge the same, and they shall have power to regulate the construction of all buildings to be erected within said fire districts, stipulating their location, sizes and the material of which they shall be constructed, together with such other rules and regulations as shall tend to insure the same from fire. They shall have authority to cause balustrades or other suitable devices to be placed upon the roofs of buildings to prevent the falling of snow or ice from the same into the streets or on the sidewalks thereof.

Inspection and  
survey of lum-  
ber, &c.

SECTION 42. The city council may make ordinances with suitable penalties for the inspection and survey, measurement and sale of lumber, wood, coal, bark, hay and straw, brought into or exposed in the city for sale.

Ordinances may  
be established,  
&c., with penal-  
ties not exceed-  
ing twenty dol-  
lars.

SECTION 43. The city council shall have power within said city to make, establish, modify, amend or repeal ordinances, rules, regulations and by-laws, subject to the provisions of this act, and not inconsistent therewith, or with the laws of the Commonwealth, and to annex penalties, not exceeding twenty dollars, for the breach thereof, for the following purposes; to manage and regulate the finances and property, real and personal, of the city; to establish, maintain and regulate a day and night police; to license and regulate cartmen, truck-owners and drivers, carriages and vehicles used for the transportation of passengers or merchandise, goods or articles of any kind; and assign stands for the same, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in either of such capacities; to license and regulate street-peddling; to license and regulate intelligence offices, dealers in junk and old metals and second-hand articles, and pawnbrokers; to license inn-holders, common victuallers, restaurants, saloons, billiard-rooms and bowling-alleys; to prescribe the places for selling hay, straw, wood and other articles from wagons or other vehicles; to restrain and regulate the

running at large of cattle, horses, swine or other animals, and to authorize and regulate the impounding and sale of the same for the penalty incurred and costs of proceedings; to regulate or prohibit the keeping of cows, swine and other animals; to prohibit and abate all nuisances; to regulate or prohibit the flying of kites, or any other practices having a tendency to frighten animals, or to annoy persons passing in the streets or on the sidewalks in said city; to prevent horse-racing and immoderate driving in the streets, lanes or avenues of said city, and to authorize the stopping of any one who shall be guilty of so doing; to regulate or prohibit swimming or bathing in the waters of the city; to regulate the burial of the dead, prohibit interments within such limits as said city council may prescribe, purchase lands for public burial-places, direct the keeping and returning of bills of mortality, and to establish such regulations for conveying the dead through the streets of said city, as the health, quiet and order of the city may in their opinion require; to prohibit or regulate the keeping within, or conveying through, the streets of the city, gunpowder, earth or rock oil, benzole, benzine, naphtha, kerosene, camphene, nitro-glycerine, or burning-fluids of any kind, and other dangerous articles, and to provide for the inspection of the same by an inspector appointed by them; and in case of violation of the ordinance regulating the same to provide for the forfeiture thereof, and as to the use of candles or lights in stables, barns, or other buildings; to suppress and restrain disorderly houses and houses of ill-fame, gaming-tables, the playing of cards or games of chance; to destroy all instruments or devices employed in gaming; and to restrain and punish vagrants, mendicants, street-beggars, idlers and loungers in the streets and on street corners, common prostitutes and night-walkers; to arrest truants from school and punish the same; to prohibit, regulate or license the exhibitions of common showmen, or of curiosities; to prohibit exhibitions tending to create or encourage idleness or immorality; to prevent and remove obstructions and incumbrances in and upon the streets or sidewalks, lanes, avenues, parks, commons or other public places in the city; to direct and regulate the planting, rearing, trimming and preserving of ornamental and shade-trees and shrubs in the streets, parks and grounds of the city; to enforce the removal of snow, or ice or

dirt from the sidewalks by the person or persons owning or occupying the premises fronting thereon, at the expense of said person or persons; to prevent or regulate the erection or construction of any stoop, step, platform, bay-window, cellar-door, descent into a cellar or basement, sign or post, or erection of any projection from any building or otherwise, in, over or upon any street or sidewalk, lane or avenue of the city, or the removal of any house or other building through the same; to regulate the construction of chimneys, and prevent the setting up or construction of stoves, boilers or other things in such manner as to be dangerous; to regulate the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks or fire-arms, or building of bonfires in said city; to require all such further or other acts to be done, and to regulate or prohibit the doing of such further or other acts as they may deem proper to prevent the occurrence, and to provide for the extinguishment of fires in said city; to estimate and determine what amount of money may be raised to defray the annual current expenditures of the city, and to adopt all legal and necessary measures for levying and collecting the same. The city council shall also have power to make, establish, modify and amend all such other ordinances, rules, regulations or by-laws not contrary to or conflicting with the laws of this state or the United States, as they may deem necessary to carry into effect the powers conferred on it by this act, or by any other law of this Commonwealth; and such as they may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, peace and prosperity of said city and its inhabitants; which ordinances, rules, regulations and by-laws shall take effect, and be in force, from and after the time therein respectively limited, without the sanction or confirmation of any court or other authority whatever: *provided*, that all such by-laws or ordinances shall be presented to the mayor for his approval, which, if he approve, he shall sign; if not, he shall return to the city council, with his objections, for a reviewal, within one week; and if again passed by a majority of each board, it shall become a law; and *provided, also*, that all by-laws, regulations and ordinances now in force in the city of Fall River, not incon-

By-laws and ordinances to be presented to mayor for approval, &c.



sistent with this act, shall, until they expire by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury.

SECTION 44. The mayor and aldermen shall have the power, whenever they shall adjudge it to be necessary for the public convenience or the public health, to cause drains or common sewers to be laid through any street or private lands, and may repair the same whenever necessary, and shall pay the owners of such lands such damages as they may sustain by the laying or repairing of said drains or common sewers; and all such drains or common sewers shall be the property of the city. When any lands or real estate shall be taken by virtue of this act, the proceedings shall be the same, in all respects, as in the laying out of highways or streets. All persons or corporations suffering damage in their property by reason of the laying, making or maintaining of any main drains or common sewers, shall have the same rights and remedies for ascertaining and recovering the amount of such damage as in the case of laying out of highways or streets. Every person who enters his particular drain into such drain or common sewer, or who in any way receives benefit thereby for draining his cellar and lands, or the owner or owners of land abutting on said drain or common sewer, shall pay the city a proportionate part of the expenses of making and repairing the same, not exceeding one-half of the cost thereof, to be ascertained, assessed and certified by said aldermen; and notice thereof shall be given to the party to be charged, or to the occupant of the premises; and said aldermen may require that private drains shall be conducted into the public drain or common sewer, in any case in which the city council shall judge the same necessary or proper for the cleanliness or health of the city.

Drains and common sewers may be laid through streets or private lands.

Liability of city for damages.

SECTION 45. The mayor and aldermen, with the concurrent vote of the common council, shall have exclusive power to lay out, alter and fix the grade of or discontinue any street, sidewalk or town way, and to estimate the damages any individual may sustain thereby; and any person dissatisfied with the decision of the city council in the estimates of damages may make complaint to the county commissioners of the county of Bristol, at any

Streets may be laid out, &c., by mayor and aldermen with the concurrence of common council.  
Damages.

meeting held within one year after such decision, whereupon the same proceedings shall be had as are now by law provided in cases wherein persons are aggrieved by the assessment of damages by the selectmen of the inhabitants of towns.

Powers of boards of health, &c., to be vested in city council.

SECTION 46. All powers and authority now vested by law in the board of health for towns or in the selectmen thereof, shall be vested in the city council, to be by them exercised in such manner as they may deem expedient, and the city council may constitute either branch or any committee of their number, whether joint or separate, the board of health for all, or for particular purposes.

Election of representatives to the general court.

SECTION 47. The mayor and aldermen shall in each year issue their warrants for calling meetings for the election of the whole number of representatives to the general court, to which the city is by law entitled, and the number shall be specified in the warrants.

Elections of county, state and U. S. officers.

SECTION 48. All elections for county, state and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and at such meetings, all the votes given for such officers respectively shall be assorted, counted and declared by the warden, and registered in open meeting by causing the names of all persons voted for, and number of votes given for each, to be written in the ward records in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns, and the mayor and aldermen shall, within two days after every such election, examine and compare all such returns and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns; and in all elections for representatives to the general court in case the whole number proposed to be elected shall not be legally chosen, the mayor and aldermen shall forthwith issue their warrants for a new election, conformably to the provisions of the constitution and the laws of the Commonwealth.

Lists of qualified voters to be made out and

SECTION 49. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each

ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and be entitled to the assistance of all city officers; and they shall deliver the said lists, so prepared and corrected, to the clerks of the wards, to be used at such elections, and copies of the list for each ward shall be posted up in not less than three public places in said ward, at least seven days prior to such elections; and no person shall be entitled to vote in any ward whose name is not borne upon the list for that ward: *provided*, that any person whom the mayor and aldermen have decided to be a voter, and whose name shall not be borne upon the list of the ward in which he claims the right to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon at any time thereafter and before the closing of the polls, upon presenting to the ward officers a certificate signed by the city clerk, setting forth that the mayor and aldermen have decided that he is a voter.

furnished to  
ward clerks  
prior to every  
election.

SECTION 50. General meetings of the citizens qualified to vote may from time to time be held, to consult upon the public good, to give instructions to their representatives, and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth; and such meetings may and shall be duly warned by the mayor and aldermen, upon the requisition of fifty qualified voters.

General meet-  
ings of citizens  
to be held upon  
the requisition  
of fifty qualified  
voters.

SECTION 51. All fines, forfeitures and penalties accruing for the breach of any by-law or ordinance of the city council may be prosecuted for and recovered before the police court of the said city of Fall River, by complaint or information, in the same manner in which other criminal offences are now prosecuted before the police courts within this Commonwealth, reserving, however, in all cases to the party complained of and prosecuted, the right of appeal to the superior court then next to be held in the county of Bristol, from the judgment and sentence of the police court, and the appeal shall be allowed in the same terms, and the proceedings shall be conducted therein in the same manner as provided in the statutes of this Commonwealth; and it shall be sufficient, in all such

Fines for breach  
of ordinances  
may be prose-  
cuted for before  
the police court.

Fines recovered  
to be paid into  
city treasury.

prosecutions, to set forth in the complaint the offence, fully, plainly, substantially and formally, and it shall not be necessary to set forth such by-law or ordinance, or any part thereof. All fines, forfeitures and penalties, so recovered and paid, shall be paid to the treasurer of the city of Fall River, and shall inure to such uses as the city council shall direct. When any person, upon any conviction before the police court for the breach of any by-law or ordinance of the city council shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture provided by any such by-law or ordinance, or upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, and there to prosecute his appeal, and to abide the sentence or order of the court thereon, and in the meantime to keep the peace and be of good behavior, and upon not paying the fine, penalty or forfeiture and costs so assessed upon him, he shall be committed to prison, there to remain until he shall pay such fine, forfeiture or penalty, and costs, or be otherwise discharged according to law.

Repeal.

Proviso.

SECTION 52. All such acts and parts of acts as are inconsistent with the provisions of this act shall be and the same are repealed: *provided, however*, that the repeal of the said acts shall not affect any act done or any right accruing or accrued, or established, or any suit or proceeding had or commenced in any civil case, before the time when such repeal shall take effect. And that no offence committed, and no penalty or forfeiture incurred, under the acts hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal. And that no suit or prosecution pending at the time of said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under the acts hereby repealed, shall be affected by such repeal; and *provided, also*, that all persons who at the time when said repeal shall take effect, shall hold any office under the said acts, shall continue to hold the same for the time for which they were severally elected.

Proviso.

Charter may be  
amended by the  
legislature.

SECTION 53. Nothing in this act contained shall be so construed as to prevent the legislature from altering or amending the same whenever they shall deem it expedient, and no act which has been heretofore repealed shall be revived by the repeal of the acts mentioned in the preceding section.

SECTION 54. This act shall be void unless a majority of the voters of the city of Fall River, present and voting thereon at a legal meeting called for that purpose, by a written vote, determine to adopt the same; and the qualified voters of the city shall be called upon to give in their votes upon the acceptance of this act, at meetings in the various wards, duly warned by the mayor and aldermen, to be held within fourteen days after the passage of this act; and thereupon the same proceedings shall be had respecting the sorting, counting, declaring, recording and returns of said votes as is herein provided at the election of mayor; and the mayor and aldermen shall, within two days after said meeting, meet together and compare the returns of the ward officers; and if it appears that the citizens have voted to adopt this act, the mayor shall immediately make proclamation of the fact, and thereupon this act shall take effect and be in full force.

Act void unless accepted by a majority vote within fourteen days.

*Approved April 28, 1873.*

AN ACT TO ESTABLISH THE CITY OF GLOUCESTER.

*Ch. 246.*

*Be it enacted, &c., as follows:*

SECTION 1. The inhabitants of the town of Gloucester shall continue to be a body politic and corporate under the the name of the city of Gloucester, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation.

City of Gloucester established.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one officer, styled the mayor, one council of eight, to be called the board of aldermen, and one council of twenty-four, to be called the common council, which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business. And no member of either board shall receive any compensation for his services.

Government vested in mayor and city council.

Quorum.

SECTION 3. The election of city and ward officers shall take place on the first Monday of December of each year; and the municipal year shall begin on the first Monday of January following.

Annual election.

Division of town  
into wards.

SECTION 4. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act, and its acceptance as herein provided, to divide said town into eight wards, to contain as nearly as conveniently may be, an equal number of voters, which division may be revised by the city council within two years from the passage hereof. The city council may, in the year eighteen hundred and seventy-five, and every fifth year thereafter, make a new division of wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward, according to the census to be taken in the month of May in said years.

Election of ward  
officers.

SECTION 5. On the first Monday of December, annually, there shall be chosen by ballot, in each of said wards, a warden, clerk and three inspectors of elections, who shall be different persons, residents in the ward, and who shall hold their offices one year, and until others are chosen and qualified in their stead. Said wardens shall

Wardens to pre-  
side at ward  
meetings.

preside at all ward meetings, with the power of moderators in town meetings; and if at any meeting the warden is not present the clerk shall preside until a warden *pro tempore* is chosen by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside, until a warden *pro tempore* is chosen; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is chosen. When any ward officer is absent or neglects to perform his duty, his office shall be filled *pro tempore*. The clerk shall

Clerk and in-  
spectors.

record all the proceedings and certify the votes, and deliver to his successor in office all the records and journals, together with all other documents and papers held by him in his said capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All said officers shall be sworn to a faithful discharge of their duties; said oath to be administered by the clerk to the warden, and by the warden to the clerk, and to the inspectors, or to either of said officers by any justice of the peace for Essex County. A certificate of such oaths shall be made by the clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meeting, shall be issued by the mayor and aldermen, and shall be in such form, and served and returned in such manner and

Ward officers, to  
be sworn.

Meetings of citi-  
zens for municip-  
al purposes.

at such times as the city council shall direct. The compensation of the ward officers shall be fixed by the concurrent vote of the city council.

SECTION 6. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards, and shall hold his office for the municipal year next following his election, and until another shall be chosen and qualified in his place.

Mayor to be elected by the voters at large.

SECTION 7. One alderman and three common councilmen shall be elected by and from the voters of each ward, who shall, at the time of their election, be residents of the wards respectively in which they are elected, and shall hold their offices for one year from the first Monday of January next following their election, and until a majority of the new board are elected and qualified in their places.

One alderman and three councilmen to be elected by voters in each ward.

SECTION 8. On the first Monday of December annually, the qualified voters in the several wards shall give in their votes by ballot for mayor, aldermen, common councilmen and school committee, in accordance with the provisions of this act; and all the votes so given shall be assorted, declared and recorded in open ward meeting, by causing the names of persons voted for and the number given for each to be written in the ward records at length. The clerk of the ward, within twenty-four hours thereafter, shall deliver to each person elected a member of the common council a certificate of his election, signed by the warden and clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections, certified in like manner: *provided, however*, that if the choice of members of the common council shall not be effected on that day in any ward, the meeting in such ward may be adjourned from time to time to complete such election. The board of aldermen shall, within ten days thereafter, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor to be notified in writing of his election; but if it appears that no person has been elected, or if the person elected refuses to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the choice of mayor, and from time to time shall be repeated until a mayor is chosen and accepts said office. In case of the decease, resignation or absence of the mayor,

Election on first Monday of December annually.

Certificates of election.

Mayor elect to be notified by board of aldermen.

In case of failure to elect mayor or his refusal to accept office.

Vacancy by death, resignation, &c.

Aldermen and councilmen to meet in convention first Monday of January and be sworn.

Common council to be organized by choice of a president and clerk.

City council to organize in absence or non-election of mayor.

President of board of aldermen *pro tem*.

or in case of a vacancy in the office of mayor from any cause, or of his inability to perform the duties of his office, it shall be the duty of the board of aldermen and common council, respectively, by vote to declare that a vacancy exists, and the cause thereof; and thereupon the two boards shall meet in convention and elect a mayor to fill such vacancy; and the mayor thus elected shall hold his office until the inability causing such vacancy shall be removed, or until a new election. Each alderman shall be notified in writing of his election by the mayor and aldermen for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace for the county of Essex. The aldermen and common councilmen elect shall, on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Essex; and a certificate of such oath having been taken, shall be entered on the journal of the mayor and aldermen and of the common council by their respective clerks. And whenever it shall appear that a mayor has not been elected previous to the first Monday of January aforesaid, the mayor and aldermen for the time being shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid. After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices respectively during the pleasure of the common council, the clerk to be under oath faithfully to perform the duties of his office. In case of the absence of the mayor elect on the first Monday of January, or if the mayor shall not then have been elected, the city council shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor was present; and the oath of office may, at any time thereafter, in convention of the two boards, be administered to the mayor and any member of the city council who may have been absent at the organization. In the absence of the mayor, the board of aldermen may choose a presiding officer *pro tempore*, who may also preside at the joint meetings of the two boards. Each board



shall keep a record of its own proceedings, and judge of the election of its own members; and in case of failure of election, or in case of vacancy declared by either board, the mayor and aldermen shall issue their warrant for a new election.

Each board to keep record of its own proceedings.

SECTION 9. The mayor shall be the chief executive officer of the city. It shall be his duty to be active and vigilant in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all the subordinate officers. Whenever in his opinion the public good so requires, he may remove, with the consent of the appointing power, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination. He may call special meetings of the boards of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by causing notice to be left at the usual place of residence of each member of the board or boards to be convened. He shall, from time to time, communicate to both boards such information, and recommend such measures, as the business and interests of the city may in his opinion require. He shall preside in the board of aldermen, and in convention of the two boards, but shall have a casting vote only. His salary, for the first five years under this charter, shall be fixed by the city council, but shall not exceed the sum of five hundred dollars per annum. Afterwards it shall be such as the city council shall determine. It shall be payable at stated periods, but shall not at any time be increased or diminished during the year for which he is chosen. He shall receive no other compensation.

Mayor to be chief executive officer of city.

May remove officers with consent of the appointing power.

To preside in board of aldermen and in convention.

Mayor's salary.

SECTION 10. Every ordinance, order, resolution or vote to which the concurrence of the board of aldermen and of the common council may be necessary, except on a question of a convention of the two branches, and every order of either branch involving the expenditure of money, shall be presented to the mayor; if he approves thereof, he shall signify his approbation by signing the same; but if not, he shall return the same with his objections, to the branch in which it originated, which shall enter the objections of the mayor at large on its records, and proceed to reconsider said ordinance, order, resolution or vote; and if after such reconsideration, two-thirds of the board of aldermen or common council present and voting thereon,

Every ordinance or order requiring a concurrent vote to be submitted to the mayor for approval.

notwithstanding such objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the city council, if it originally required concurrent action, where it shall also be reconsidered, and if approved by two-thirds of the members present and voting thereon it shall be in force; but in all cases the vote shall be determined by yeas and nays. If any such ordinance, order, resolution or vote is not returned by the mayor within ten days (Sundays excepted) after it is presented, it shall be in force. But the veto power of the mayor shall not extend to the election of officers required by any law or ordinance to be chosen by the city council in convention, or by concurrent action, unless expressly so provided therein. In all cases where anything is or may be required or authorized by any law or ordinance to be done by the mayor and aldermen, the board of aldermen shall first act thereon; and any order, resolution or vote of said board shall be presented to the mayor for his approval, in the manner provided in this section.

Executive power vested in mayor and aldermen.

Constables and police officers.

Compensation of police.

City council to have care of public property.

SECTION 11. The executive power of said city, with all the powers heretofore vested in the selectmen of Gloucester, shall be vested in, and may be exercised by the mayor and aldermen as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, and a city marshal and assistants, with the powers and duties of constables, and all police officers, and the same to remove at pleasure. And the mayor and aldermen may require any person who is appointed marshal or constable of the city to give bonds for the faithful discharge of the duties of the office, with such security and to such amount as they may deem reasonable and proper, upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds, taken by the selectmen of towns. The compensation of the police shall be fixed by the mayor and aldermen, and the compensation of the other subordinate officers shall be fixed by concurrent vote of the city council. The city council shall have the care and superintendence of the city buildings and the custody and management of all city property, with power to let or to sell what may legally be let or sold, and to purchase or hire property, real or personal, in the name and for the use of the city whenever its interests or convenience may,

in their judgment, require it. And they shall, as often as once a year, cause to be published for the use of the inhabitants, a particular account of the receipts and expenditures and a schedule of city property, and of the city debts.

Annual report of receipts and expenditures.

SECTION 12. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible by appointment or election to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment or election, is a member of the board of aldermen or of the common council. All sittings of the mayor and aldermen, of the common council, and of the city council shall be public when they are not engaged in executive business.

Appointments by mayor and aldermen.

Sittings not executive to be public.

SECTION 13. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention, a treasurer, collector of taxes, city clerk, one or more superintendents of highways, and a city physician, and by concurrent vote a city solicitor and city auditor, who shall hold their offices respectively for the term of one year, and until their successors are chosen and qualified: *provided, however*, that either of the officers named in this section may be removed at any time by the city council, for sufficient cause.

Treasurer, collector, city clerk, &c., to be elected by joint ballot in convention.

Proviso.

SECTION 14. The city council shall annually, in the month of January, elect by joint ballot in convention, a chief engineer of the fire department, and as many assistant engineers, not exceeding twelve, as they may deem expedient, who shall hold their offices for the term of one year from the first Monday of February next ensuing, and until their successors are chosen and qualified. The city council may at any time remove any elected member of the said board from office for cause. The compensation of the officers mentioned in the last two sections shall be fixed by concurrent vote of the city council.

Chief engineer to be elected by joint ballot.

SECTION 15. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as may be prescribed by the board of aldermen; and he shall perform all the duties and exercise all the powers incumbent by law upon him. He shall deliver to his successor

City clerk to be clerk of aldermen and be sworn.

in office, as soon as chosen and qualified, all journals, records, papers, documents or other things held by him in his capacity as city clerk.

City council to appoint other subordinate officers.

SECTION 16. The city council shall, in such manner as they may determine, elect or appoint all other subordinate officers, for whose election or appointment other provision is not herein made, define their duties and fix their compensation.

Officers to discharge their duties after removal to another ward.

SECTION 17. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal after their election out of their respective wards into any other wards of the city; but a permanent residence out of the city shall cause a vacancy to exist in the offices to which they were elected.

Payments from the treasury.

SECTION 18. The city council shall take care that no money is paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties, and sureties from all persons intrusted with the receipt, custody or disbursement of money.

Overseers of the poor to be elected by joint ballot, to hold office for three years.

SECTION 19. The city council elected in December, in the year eighteen hundred and seventy-three, shall as soon after their organization as may be convenient, elect by joint ballot in convention three persons to be overseers of the poor, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner one person, who shall hold his office for the term of three years next ensuing, and until another is elected and qualified in his stead. The persons so elected shall, with the mayor and president of the common council, constitute the board of the overseers of the poor. The mayor shall be, *ex officio*, chairman of the board. Vacancies occurring in the board may be filled by joint ballot of the city council at any time, the member so elected to hold office only for the unexpired term of the member who has ceased to hold office. The city council may at any time remove any elected member of the said board from office for cause. The compensation of the overseers of the poor shall be fixed by concurrent vote of the city council. The board shall be organized annually on the third Monday in January, or as soon thereafter as may be convenient.

Vacancies.

SECTION 20. The city council elected in December, in the year eighteen hundred and seventy-three, shall as soon after their organization as may be convenient, elect by concurrent vote three persons to be assessors of taxes, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner, one person who shall hold his office for the term of three years next ensuing, and until another is elected and qualified in his stead. The persons so elected shall constitute the board of assessors, and shall exercise the powers and be subject to the liabilities and duties of assessors in towns. Vacancies occurring in the board may be filled by concurrent vote of the city council at any time, the member so elected to hold office only for the unexpired term of the member who has ceased to hold office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof. The compensation of the assessors shall be fixed by concurrent vote of the city council.

Assessors of taxes to be elected by concurrent vote, and to hold office for three years.

Vacancies.

SECTION 21. The qualified voters of each ward, at their respective annual ward meetings for the choice of officers, shall elect by ballot one person in each ward, who shall be a resident of said ward, to be an assistant assessor, whose compensation shall be fixed by the city council; and it shall be the duty of the persons so chosen to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards; and they shall be sworn to the faithful performance of their duty.

Assistant assessors.

SECTION 22. The qualified voters of the city shall, on the first Monday of December, in the year eighteen hundred and seventy-three, elect by ballot, nine persons to be members of the school committee, three to be chosen for three years, three for two years, and three for one year, from the first Monday of January, in the year eighteen hundred and seventy-four; and thereafter three persons shall be chosen, at each annual meeting, for the term of three years from the first Monday of January next ensuing; and the persons so chosen shall, with the mayor, constitute the school committee, and have the care and superintendence of the public schools, and shall

School committee to consist of nine persons elected by the voters, with the mayor, *ex officio*, chairman.

serve without pay. The mayor shall be *ex officio* chairman of the board, and all the rights and obligations of the town of Gloucester, in relation to the grant and appropriation of money to the support of the schools, and the special powers and authority heretofore conferred by law upon the inhabitants of said town, to raise money for the support of schools therein, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools, and the erection and repair of school-houses in said city shall be made by the city council, in the same manner as grants and appropriations are made for other city purposes.

Vacancies in school committee and assistant assessors, how filled.

SECTION 23. Should there fail to be a choice of members of the school committee or assistant assessors on the day of the annual election, the vacancies occurring by such failure shall be filled, in the case of the school committee, by a joint ballot of the city council and school committee, and in case of the assistant assessor, by a concurrent vote of the city council; and vacancies thereafter occurring, shall be filled in like manner.

City council to lay out streets, fix grades and estimate damages.

SECTION 24. The city council shall have exclusive authority and power to lay out any new-street or town way, or sidewalks, and fix the width, height and grade of the same, and to estimate the damages any individual may sustain thereby; but the same shall first be acted upon by the mayor and aldermen, and any person dissatisfied with the decision of the city council in the estimate of damages, may make complaint to the county commissioners of the county of Essex, at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are now provided by the laws of this Commonwealth, in cases where persons are aggrieved by the assessment of damages by selectmen, as set forth in the forty-third chapter of the General Statutes.

Inspection of lumber, coal, &c.

SECTION 25. The city council may make by-laws, with suitable penalties, for the inspection and survey, measurement and sale of lumber, wood, hay, coal and bark, brought into or exposed in the city for sale; and shall have the same powers as the town had in reference to the suspension of the laws for the protection and preservation of useful birds, and of all other laws, the operation or suspension of which is subject to the action of the

town thereon. The city council may also make all such salutary and needful by-laws, as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties not exceeding twenty dollars for the breach thereof, which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court, but subject to the approval of the mayor: *provided, however*, that all laws and regulations in force in the town of Gloucester shall, until they expire by their own limitation, or are revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance, shall be paid into the city treasury.

By-laws, with penalties not exceeding twenty dollars.

Proviso.

SECTION 26. All elections of national, state, county and district officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections, in their respective wards, at the time fixed by law for these elections respectively.

Election of national, state, county and district officers.

SECTION 27. Ten days prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, assistant assessors and other city officers; and they shall deliver the lists so prepared and corrected to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list. A list of the voters in each ward shall be posted in one or more public places in each ward.

Lists of voters to be made out ten days prior to elections and delivered to ward clerks.

To be posted in each ward.

SECTION 28. General meetings of the citizens qualified to vote may from time to time be held to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth, and such meetings may and shall be duly warned by the mayor and aldermen, upon the request in writing, setting forth the purposes thereof, of fifty qualified voters.

General meetings of citizens.

SECTION 29. All power and authority now vested by law in the board of health of the town of Gloucester, or in the selectmen thereof, shall be transferred to and vested

Powers of board of health to be vested in city council.

in the city council, to be by them exercised in such manner as they may deem expedient.

Powers of selectmen relating to fire department transferred to mayor and aldermen. Council may establish fire limits, and regulate construction of buildings.

SECTION 30. All power and authority now vested in the selectmen of said town in relation to the fire department in said town, shall be transferred to and vested in the mayor and aldermen; but the city council shall have power to establish fire limits within said city, and from time to time change and enlarge the same; and by ordinance they shall regulate the construction of all buildings erected within said fire limits, stipulating their location, size and the materials of which they shall be constructed, together with such other rules and regulations as shall tend to insure the same from damage by fire.

Repeal of inconsistent acts.

SECTION 31. All acts and parts of acts inconsistent with this act are repealed: *provided, however*, that the repeal of the said acts shall not effect any act done, or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect; and that no offence committed, and no penalty or forfeiture incurred under any act hereby repealed, and before the time when such repeal may take effect, shall be affected by the repeal; and that no suit or prosecution pending at the time of the said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under said acts, shall be affected by such repeal; and *provided, also*, that all persons who, at the time such repeal takes effect, shall hold any office under the said acts, shall continue to hold the same until the organization of the city government, contemplated by this charter, shall be completely effected.

Proviso.

First meeting for election of city officers.

SECTION 32. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Gloucester, for the time being, shall issue their warrants seven days at least previous to the first Monday of December of the present year, calling meetings of the citizens of each ward on that day, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors of each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records in each ward specifying the votes given for the several officers aforesaid, certified by

Transcript of records in each ward to be returned to the selectmen.



the warden and clerk of the ward at said first meeting, shall be returned to said selectmen, whose duty it shall be to examine and compare the same, and in case such elections should not be completed at the first meeting then to issue new warrants until such elections shall be completed, and to give notice thereof in the manner before provided to the several persons elected; and at said first meeting a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward when elected, to be used as herein before provided. After the choice of the city officers as aforesaid, or a majority of both boards, the selectmen shall appoint a place for their first meeting, and shall, by written notice left at the place of residence of each member, notify them thereof. And after this first election of city officers, and this first meeting for the organization of the city council, the day of holding the annual elections and the day and hour for the meeting of the city council for the purpose of organization, shall remain as provided in said eighth section of this act. It shall be the duty of the city council, immediately after the first organization, to carry into effect the several provisions of this act.

SECTION 33. This act shall be void, unless the inhabitants of the town of Gloucester, at a legal town meeting called for that purpose, shall within ninety days from the passage of this act, by a vote of a majority of the voters present, and voting thereon as hereinafter provided, determine to adopt the same. At said meeting the votes shall be taken by written or printed ballots, and the polls shall be kept open not less than six hours. The selectmen shall preside in said meeting, and in receiving said ballots, shall use the check-lists in the same manner as they are used in elections of state officers.

Act void unless accepted by a majority vote within ninety days.

SECTION 34. This act shall take effect upon its passage.

*Approved April 28, 1873.*

AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE PURCHASE OF LAND FOR A CAMP-GROUND FOR THE MILITIA.

*Ch. 247.*

*Be it enacted, &c., as follows :*

SECTION 1. The governor, by and with the advice and consent of the council, may designate in behalf of the Commonwealth, not exceeding two hundred acres of land, to be held and used for the purposes named in the act to which this is in addition, and if any owner thereof refuses to sell the same, or demands therefor a price deemed by

Governor and council may take land for a camp ground for the militia.

the governor and council unreasonable, the governor and council shall proceed to take and lay out said land for the purpose aforesaid, and to appraise the damages to such owner, in the manner provided for laying out highways and appraising damages sustained thereby.

A description of the land taken to be filed in the registry of deeds.

SECTION 2. A certificate of such taking, containing a description of the land sufficiently accurate for identification, shall be recorded in the registry of deeds in the district in which such lands are situated, and such certificate, so recorded, shall be conclusive evidence of the time of such taking, and the title of the Commonwealth in the lands so taken.

Owner of land may have damage assessed by a jury.

SECTION 3. Any owner of land so taken, feeling aggrieved by the award of damages, may within one year thereafter, petition the superior court for the county in which said lands are situated, and the matter of his damages shall be tried by a jury, and the proceedings shall be conducted in the manner provided in cases of damages by laying out highways. If the damages are increased by the jury, the damages and all charges shall be paid by the Commonwealth; otherwise, the charges arising on such petition shall be paid by the petitioner.

SECTION 4. This act shall take effect upon its passage.

*Approved April 29, 1873.*

*Ch. 248.* AN ACT TO AUTHORIZE THE SPRINGFIELD, ATHOL AND NORTH-EASTERN RAILROAD COMPANY TO EXTEND ITS ROAD, AND TO MORTGAGE A PORTION THEREOF.

*Be it enacted, &c., as follows:*

May extend road to Ct. River R. R. in Chicopee.

SECTION 1. The Springfield, Athol and North-Eastern Railroad Company may extend its railroad to some convenient point on the line of the Connecticut River Railroad in the town of Chicopee.

Location and construction.

SECTION 2. The extension hereby authorized shall be located within one year, and constructed within two years from the passage of this act.

May issue bonds not exceeding \$300,000 at seven per cent. interest.

SECTION 3. Said company is also authorized to issue its bonds to an amount not exceeding three hundred thousand dollars, bearing interest at the rate of seven per centum per annum, payable semi-annually, and to secure the same by a mortgage of that part of its road located and being constructed under the provisions of chapter one hundred and twenty-four of the acts of eighteen hundred and seventy-two.

SECTION 4. This act shall take effect upon its passage.

*Approved April 30, 1873.*

AN ACT TO EXTEND THE CHARTER AND REDUCE THE CAPITAL STOCK OF THE BOSTON, LYNN AND PEABODY RAILWAY COMPANY. *Ch.* 249.

*Be it enacted, &c., as follows :*

SECTION 1. Chapter one hundred and seventy-one of the acts of the year eighteen hundred and seventy-one, is continued in force, and the time for locating, building and putting in operation some portion of the road of the Boston, Lynn and Peabody Railway Company, is extended two years from the first day of October, eighteen hundred and seventy-three. Time for locating and building extended.

SECTION 2. The capital stock of said company is reduced and fixed at two hundred thousand dollars. Capital stock reduced.

*Approved April 30, 1873.*

AN ACT TO AUTHORIZE THE CITY OF HAVERHILL TO CONSTRUCT A WHARF AND A BRIDGE OVER LITTLE RIVER. *Ch.* 250.

*Be it enacted, &c., as follows :*

SECTION 1. License is granted to the city of Haverhill to construct a wharf at the outlet of Little River, between Washington Square and the Merrimack River, in Haverhill, and to extend the same southerly not exceeding one hundred and ninety-six feet from the stone abutment on the southerly side of said square, and to construct a stone bridge over said Little River for a part or the whole of said distance, closing and discontinuing any highways or landings thereon now existing, except the highway, if any, on the westerly side of Little River : *provided*, said city shall construct and maintain a slip or landing on the Merrimack River, with access thereto from said Washington Square, convenient for public use ; and this license shall be subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine. May construct wharf and bridge in Haverhill.

SECTION 2. This act shall not authorize the erection of any structure on said land except what may be necessary in the construction of said wharf and slip or landings, until a majority of the voters of said city, at a legal meeting called for the purpose, shall vote in favor thereof. Proviso.

SECTION 3. This act shall take effect upon its passage.

*Approved April 30, 1873.*

AN ACT TO AUTHORIZE THE FIRST BAPTIST SOCIETY OF NEWBURY AND NEWBURYPORT TO SELL THEIR REAL ESTATE. *Ch.* 251.

*Be it enacted, &c., as follows :*

SECTION 1. The First Baptist Society of Newbury and Newburyport, may sell and convey, by deed executed by its treasurer, all the real estate of said society situated May sell real estate in Newburyport.

in Newburyport, and after applying so much of the proceeds of such sale as may be necessary to the payment of the debts of the society, shall pay over the remainder to the treasurer of the Baptist society in Newburyport.

SECTION 2. This act shall take effect upon its passage.

*Approved April 30, 1873.*

**Ch. 252.** AN ACT TO FACILITATE THE SETTLEMENT OF ESTATES OF DECEASED PERSONS.

*Be it enacted, &c., as follows:*

Claims against an insolvent estate may be examined and allowed by the court.

SECTION 1. When it appears to the probate court from the representation of an executor or administrator that the estate of the deceased will be insufficient for the payment of debts, the court may, instead of appointing two or more commissioners as provided in chapter ninety-nine of the General Statutes, receive and examine all claims of creditors against the estate, allow such as should be legally allowed, and cause a list of all claims presented for proof, with the amount allowed or disallowed, to be made and certified by the register of said court.

Notice to be given when and where claims will be examined.

SECTION 2. The court shall require the executor or administrator to give written notice to all known creditors of the estate, of the times when and places where their claims will be examined, in the same manner as commissioners are now required to do.

Acts to be done by court in thirty days from time allowed for proof of claims.

SECTION 3. Any act which the provisions of law require to be done in thirty days from the report of said commissioners shall be done by the court in thirty days from the expiration of the time allowed by the court for the proof of claims.

Provisions of law in respect to appeals, &c., to be applicable to the court.

SECTION 4. All the provisions of law in respect to appeals from the allowance of any claim and all other provisions of law respecting the settlement of the insolvent estates of deceased persons, shall be applicable to the court conducting the proceedings in place of said commissioners, except as above provided, and except such provisions as are made unnecessary by the court acting instead of said commissioners.

*Approved April 30, 1873.*

**Ch. 253.** AN ACT TO RELIEVE PARTIES AFFECTED BY THE ACTS OF EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES, IRREGULARLY APPOINTED OR LICENSED, AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows:*

When appointment of executor, &c., is de-

SECTION 1. Whenever an appointment of an executor, administrator, guardian or trustee, by any probate

court, shall be vacated or declared void by reason of any irregularity, or want of jurisdiction or authority of the court making the same, the person so appointed such executor, administrator, guardian or trustee, shall be held to account for all money, property or assets which shall have come to his hands as executor, administrator, guardian or trustee, or by reason of such appointment, in the same manner as if the appointment had been regular and valid; and any bond given in pursuance of such appointment shall be held to be valid and binding both on principals and sureties thereon, for that purpose.

clared void, he shall account for all property in his hands.

Bond to be binding on principals and sureties.

SECTION 2. Payments to or by such person as executor, administrator, guardian or trustee, if in other respects properly made, may, with the approval of the probate court, be ratified and confirmed by the executor, administrator, guardian or trustee who may be afterward legally appointed.

Payments made may be ratified by executor afterward appointed.

SECTION 3. Any person interested in, or affected by, any act or proceeding of a person acting as executor, administrator, guardian or trustee, under an appointment or license of a probate court, which is void by reason of irregularity or want of jurisdiction or authority of the court making the appointment or granting the license, may have the matter heard and determined by the supreme judicial court in equity; and that court may confirm or set aside, in whole or in part, the act or proceeding; and may make such order or decree in relation to the subject-matter, and to the rights and liabilities of all parties interested in or affected by such act or proceeding, as shall be adjudged to be just and equitable; and may direct such releases, conveyances, or discharges to be made or given as may be found necessary to carry into complete effect the relief granted by its decrees. *Approved April 30, 1873.*

S. J. C. in equity may make order or decree in relation to the subject-matter and to the rights of parties interested.

#### AN ACT TO ESTABLISH THE SALARY OF THE ATTORNEY-GENERAL.

*Be it enacted, &c., as follows:*

*Ch. 254.*

SECTION 1. From the first day of January eighteen hundred and seventy-three, the salary of the attorney-general shall be five thousand dollars a year.

Salary fixed at \$5,000 a year.

SECTION 2. This act shall take effect upon its passage.

*Approved April 30, 1873.*

#### AN ACT TO AUTHORIZE CITIES AND TOWNS TO CONTRACT FOR A SUPPLY OF WATER.

*Ch. 255.*

*Be it enacted, &c., as follows:*

SECTION 1. Chapter ninety-three of the acts of the year eighteen hundred and seventy is amended in the

Amendment to 1870, 93, §§ 1, 3, as printed in the

supplement to  
the General  
Statutes.

tenth line of the first section thereof, as printed in the supplement to the General Statutes, by inserting after the word "corporation," and before the word "provided," the words "or may make any contract for a supply of water with any such company or corporation"; and in the eleventh line of said section, by inserting after the word "purchase," and before the word "without," the words "or contract"; and in the sixteenth line of said section, by inserting between the words "purchase" and "without," the words "or contract"; and in the fifth line of the third section of said chapter, by inserting after the word "specified," and before the word "provided," the words "and any city or town which may make any such contract as aforesaid, may for the purpose named in this section, issue similar bonds."

SECTION 2. This act shall take effect upon its passage.

*Approved April 30, 1873.*

**Ch. 256.** AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS FOR THE COUNTY OF HAMPDEN TO BORROW MONEY FOR CERTAIN PURPOSES.

*Be it enacted, &c., as follows:*

County commis-  
sioners may bor-  
row money not  
exceeding \$75,-  
000.

SECTION 1. The county commissioners for the county of Hampden are authorized to borrow, on the credit of said county, such sums, not exceeding seventy-five thousand dollars in all, as may be necessary to pay the damages which have been or may be awarded against said county, under the provisions of the second section of chapter two hundred thirty-seven of the acts of the year eighteen hundred and seventy, and the second section of chapter one hundred thirty-one of the acts of the year eighteen hundred and seventy-two, and for the purpose of defraying the costs and expenses that have been or may be incurred under the provisions of chapter one hundred and eighty-two of the acts of the year eighteen hundred and seventy, and of chapter one hundred thirty-two of the acts of the year eighteen hundred and seventy-two.

SECTION 2. This act shall take effect upon its passage.

*Approved April 30, 1873.*

**Ch. 257.** AN ACT IN RELATION TO THE IMPROVEMENT OF THE COMMON-WEALTH'S FLATS IN BOSTON HARBOR.

*Be it enacted, &c., as follows:*

Amendment to  
1863, 436.

SECTION 1. The four hundred and forty-sixth chapter of the acts of the year eighteen hundred and sixty-nine is so far amended that the board of harbor commissioners

may contract for or authorize the filling of any of the flats and lands purchased under the authority of said act, with any other material they think fit, besides that prescribed by the fourth section of chapter three hundred and twenty-six of the acts of the year eighteen hundred and sixty-eight: *provided*, that out of the proceeds of the sale of said flats and lands so purchased, there shall be paid into the compensation fund for Boston Harbor, for tide-water displaced by filling with such other material, such sums as would be required by the provisions of the fourth section of the one hundred and forty-ninth chapter of the acts of the year eighteen hundred and sixty-six.

SECTION 2. This act shall take effect upon its passage.

*Approved April 30, 1873.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO APPROPRIATE MONEY FOR THE RELIEF OF DISABLED FIREMEN AND THE FAMILIES OF THOSE KILLED.

*Ch. 258.*

*Be it enacted, &c., as follows:*

SECTION 1. The city of Boston may expend a sum not exceeding three thousand dollars annually, for the relief of firemen disabled, and of the families of firemen killed, in the service of the city.

May expend  
\$3,000 annually  
for relief of dis-  
abled firemen.

SECTION 2. Chapter three hundred and seventy-five of the acts of the year eighteen hundred and fifty-four is repealed.

Repeal of 1854,  
375.

*Approved April 30, 1873.*

AN ACT TO AUTHORIZE CLERKS OF COURTS TO ISSUE ORDERS OF NOTICE IN CERTAIN CASES.

*Ch. 259.*

*Be it enacted, &c., as follows:*

SECTION 1. In all cases in the superior or supreme judicial court, wherein notice is required in vacation, to parties interested in any petition or other proceeding in law or equity, the respective clerks of said courts may issue any order of notice which might be issued by either of said courts: *provided*, that the court in which said petition or proceeding is pending, or any judge thereof, may cause such additional notice to be given as justice may require.

Clerks of courts  
may issue orders  
of notice when  
notice is re-  
quired in vaca-  
tion.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved April 30, 1873.*

AN ACT RELATING TO THE CHANNEL OF MUDDY RIVER IN BROOKLINE.

*Ch. 260.*

*Be it enacted, &c., as follows:*

SECTION 1. The town of Brookline may make a new channel within its own territory to conduct the waters of Muddy River in a more direct line to Charles River, and

May conduct  
waters of Muddy  
River in a more  
direct line to  
Charles River.

Damages.

for this purpose the real estate of any person may be taken. The proceedings shall be the same in all respects as in laying out of town ways; and all persons suffering damage in their property by reason thereof, shall have the same rights and remedies for the ascertainment and recovery of such damages as in the case of the laying out of town ways.

Drains and sewers of Boston may be extended into the new channel.

SECTION 2. Drains and sewers of the city of Boston now discharging into Muddy River above the point at which the boundary line between Boston and Brookline, running from Charles River southerly along the easterly line of Saint Mary's Street extended, strikes the present channel of Muddy River, may be extended by said city through any lands or ways in said city or town into the new channel provided for by this act, the cost of such extension to be reimbursed to said city by said town; and said city shall have the right to enter new drains or sewers through said lands or ways into the new channel to the same extent that it now has the right to enter the same into the present channel of Muddy River.

SECTION 3. This act shall take effect upon its passage.

*Approved May 2, 1873.*

**Ch. 261.** AN ACT TO AUTHORIZE TRIALS IN THE SUPERIOR COURT INSTEAD OF BEFORE SHERIFFS' JURIES.

*Be it enacted, &c., as follows:*

A jury may be had in the superior court in all cases where a sheriff's jury may be had.

SECTION 1. In all cases in which it is provided by law that a sheriff's jury may be had for any purpose, application for a jury may be made by petition to the superior court; and thereupon, after such notice as said court shall order to the adverse party or parties, a trial may be had at the bar of said court, in the same manner other civil cases are there tried by jury.

SECTION 2. This act shall take effect upon its passage.

*Approved May 2, 1873.*

**Ch. 262.** AN ACT CONCERNING TRUANT CHILDREN AND ABSENTEES FROM SCHOOL.

*Be it enacted, &c., as follows:*

Needful provisions to be made by cities and towns concerning habitual truants.

SECTION 1. Each city and town shall make all needful provisions and arrangements concerning habitual truants and children between the ages of seven and fifteen years who may be found wandering about in the streets or public places of such city or town, having no lawful occupation or business, not attending school, and growing up in ignorance, and shall also, make such by-laws as shall



be most conducive to the welfare of such children, and to the good order of such city or town; and shall provide suitable places for the confinement, discipline and instruction of such children: *provided*, that said by-laws shall be approved by the superior court, or a justice thereof, or by the judge of probate of the county.

Proviso.

SECTION 2. The school committee of the several cities and towns shall appoint and fix the compensation of two or more suitable persons, to be designated as truant officers, who shall, under the direction of said committee, inquire into all cases arising under such by-laws, and shall alone be authorized, in case of violation thereof, to make complaint and carry into execution the judgment thereon.

Truant officers to be appointed by school committees.

SECTION 3. Any minor convicted under such by-law of being an habitual truant, or of wandering about in the streets and public places of any city or town, having no lawful employment or business, not attending school and growing up in ignorance, shall be committed to any institution of instruction or suitable situation provided for the purpose under the authority of section one, of this act or by law, for such time, not exceeding two years, as the justice or court having jurisdiction may determine. Any minor so committed may, upon proof of amendment, or for other sufficient cause shown upon a hearing of the case, be discharged by such justice or court.

Habitual truants may be committed to any institution of instruction for two years.

SECTION 4. Justices of police or district courts, trial justices, trial justices of juvenile offenders, and judges of probate, shall have jurisdiction within their respective counties, of the offences described in this act.

Jurisdiction.

SECTION 5. When three or more cities or towns in any county shall so require, the county commissioners shall establish at convenient places therein, other than the jail or house of correction, at the expense of the county, truant schools, for the confinement, discipline and instruction of minor children convicted under the provisions of this act, and shall make suitable provisions for the government and control of said schools, and for the appointment of proper teachers and officers thereof.

Schools for confinement of truants to be established when required by three cities and towns in any county.

SECTION 6. Any city or town may assign any such truant school as the place of confinement, discipline and instruction for persons convicted under the provisions of this act; and shall pay such sum for the support of those committed thereto as the county commissioners shall

Expense of support in schools not to exceed two dollars a week.

determine, not exceeding the rate of two dollars per week for each person.

Truants may be committed to the State primary school at Monson with the assent of the board of state charities.

SECTION 7. Any city or town may, with the assent of the board of state charities, assign the state primary school at Monson as the place of confinement, discipline and instruction for persons convicted under the provisions of this act, instead of the truant schools heretofore mentioned; and shall pay for the support of such persons committed thereto, such sum as the inspectors of said school shall determine, not exceeding two dollars per week for each person. Any minor so committed, may upon satisfactory proof of amendment, or for other sufficient cause, be discharged by the board of state charities.

SECTION 8. This act shall take effect upon its passage.

*Approved May 2, 1873.*

## Ch. 263.

### AN ACT TO ESTABLISH HARBOR LINES ON CHARLES RIVER.

*Be it enacted, &c., as follows:*

Harbor lines established on Charles River.

SECTION 1. The lines hereinafter described are established as lines along portions of the northerly and southerly sides of Charles River respectively, beyond which no wharf, pier or other structure shall ever be extended in or over the tide-water of the Commonwealth.

Line on the southerly side of the river.

SECTION 2. The line on the southerly side of Charles River begins at the north-easterly corner of the present solid structure of Abbott's wharf, so called, near the Brookline and Cambridge bridge and runs easterly in a straight line which, if extended, will strike the northerly corner of the solid abutment on the westerly side of the sluice-way which passes through the Mill Dam into and out from the full basin, formerly so called, to a point distant eight hundred and eighty feet westerly from said northerly corner of said abutment of said sluiceway; thence deflects easterly on an arc of a circle of one thousand eight hundred and fifty feet radius to a point in the present harbor line, where it will be intersected by a line drawn at right angles from said Mill Dam at said northerly abutment.

Repeal.

So much of the third section of chapter thirty-five of the acts of the year eighteen hundred and forty, as establishes a harbor line westwardly from said last described point in said line is hereby repealed.

Line on the northerly side of the river.

SECTION 3. The line on the northerly side of Charles River begins at a point on the northerly side of West Boston Bridge, where the present harbor line intersects the

said side of said bridge, and runs southerly and westerly on an arc of a circle of nine hundred and seventy-five feet; radius, a distance of one thousand and one hundred feet, thence westerly in a straight line parallel to the line of said West Boston bridge and distant therefrom five hundred feet, a distance of one thousand three hundred and twenty-five feet; thence westerly and south-westerly on an arc of a circle of one thousand three hundred and eighty feet radius, a distance of eight hundred feet; thence south-westerly in a straight line parallel to the line of the Grand Junction Railroad and distant therefrom eight hundred feet, a distance of four thousand and ten feet; thence south-westerly and westerly on an arc of a circle of two thousand one hundred twenty feet radius, a distance of one thousand two hundred and forty feet; thence westerly in a straight line to the south-easterly corner of the solid abutment of the Brookline bridge on the northerly side of Charles River.

So much of chapter two hundred and seventy-eight of the acts of the year eighteen hundred and forty-seven as establishes a harbor line southerly and westerly of the northerly side of the West Boston bridge is repealed.

SECTION 4. No wharf, pier, building, structure or incumbrance of any kind shall ever be extended beyond the said lines into or over the tide-water in said river, nor shall any wharf, pier or other structure which is now erected on the inner side of either of said lines extend further towards the said line than such wharf, pier or structure now stands, or than the same might have been lawfully enlarged or extended before the passing of this act, without leave first obtained according to law.

Wharves or other structures not to be extended beyond the established lines.

SECTION 5. Every person or corporation offending against the provisions of this act shall be deemed guilty of a misdemeanor and shall be liable to be prosecuted therefor by indictment or information in any court of competent jurisdiction, and on conviction shall be punished by a fine not less than one thousand dollars nor more than five thousand dollars for every offence, and any structure or obstruction which shall be made contrary to the provisions of this act shall be liable to be removed and abated as a public nuisance in the manner provided for the removal and abatement of nuisances in the public highway, or in any other manner authorized by law.

Penalties.

Structure may be removed and abated as a nuisance.

*Approved May 2, 1873.*

**Ch. 264.** AN ACT TO AUTHORIZE THE BOSTON LAND COMPANY TO EXCLUDE  
TIDE-WATER FROM THEIR LANDS.

*Be it enacted, &c., as follows :*

May construct  
dams or tide-  
gates across  
Belle Isle Inlet.

The Boston Land Company may construct and maintain dams, dikes or tide-gates, at the crossing of Belle Isle Inlet by the Winthrop Bridge at Main Street, leading from East Boston to the town of Winthrop, and also at the crossing of Belle Isle Inlet, by a bridge upon an unfinished private road called Ocean Avenue, leading from Breed's Island to Winthrop Street near Sales Hill, in Revere; and may fill the creek between Breed's Island and Revere, where it is crossed by the branch of the Eastern Railroad, leading to East Boston, for the purpose of excluding the tide-water from the marsh lands of said company, but from none other: *provided*, that proper sluiceways shall be made and maintained by, and at the cost and charge of said Boston Land Company, for draining the lands from which the tide-water shall be excluded; and, *provided, further*, that all the authority conferred by this act shall be exercised subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

May fill creek  
between Breed's  
Island and Re-  
vere.

Proviso.

Proviso.

*Approved May 2, 1873.*

**Ch. 265.** AN ACT CONCERNING THE PUBLIC LANDING PLACES IN THE TOWN OF  
MILTON.

*Be it enacted, &c., as follows :*

Public landing  
places in Milton  
discontinued.

SECTION 1. The public landing places known as Lower Mills Landing and Gulliver's Landing, in the town of Milton, are discontinued as such public landing places: the title thereto and to any buildings or structures erected thereon from the proceeds of rents issuing from said public landing places, shall vest absolutely in said town, subject nevertheless to any existing lease or leases of any part or parts thereof.

Commission es-  
tablished under  
1835, 117, abol-  
ished.

SECTION 2. The commission established by chapter one hundred and seventeen of the acts of the year eighteen hundred and thirty-five is abolished, and said commissioners are directed to deliver to said town all goods, moneys, credits or other evidences of indebtedness, which may be in their possession; and said town may collect and receive the same, to the use of said town, together with all rents and profits accruing under any existing leases.

SECTION 3. This act shall take effect upon its passage.

*Approved May 2, 1873.*

## AN ACT CONCERNING THE NEWBURYPORT BRIDGES.

Ch. 266.

*Be it enacted, &c., as follows:*

SECTION 1. The county commissioners for the county of Essex may allow to the city of Newburyport and the town of Salisbury, from the treasury of said county, such sums as they shall deem just and equitable, not exceeding in the whole the sum of six thousand five hundred dollars, on account of expenses incurred and paid by said city and town, under the decrees of the said county commissioners, by virtue of chapter two hundred and ninety-six of the acts of the year eighteen hundred and sixty-seven, chapter three hundred and nine of the acts of the year eighteen hundred sixty-eight, and chapter four hundred and twenty-one of the acts of the year eighteen hundred and sixty-nine.

County commissioners may allow to Newburyport and Salisbury not exceeding \$6,500 in the whole.

SECTION. 2. The said commissioners may borrow money necessary for the purpose named in the first section.

May borrow money.

*Approved May 2, 1873.*

## AN ACT AMENDING AN ACT TO ESTABLISH THE CITY OF CHELSEA.

Ch. 267.

*Be it enacted, &c., as follows:*

All officers enumerated in the act to establish the city of Chelsea, and now elected by the city council, shall hereafter be elected by a concurrent vote of both branches of said council.

Officers to be elected by concurrent vote.

*Approved May 2, 1873.*

## AN ACT CONCERNING THE ELECTION OF SCHOOL COMMITTEE IN THE CITY OF CHELSEA.

Ch. 268.

*Be it enacted, &c., as follows:*

SECTION 1. The qualified voters of the city of Chelsea shall, at their annual meeting for the election of municipal officers next to be held after the passage of this act, elect by ballot, three residents of each ward, to be members of the school committee, one for three years, one for two years and one for one year from the first Monday of January next following said election; and thereafter, at such annual meeting, there shall be elected in the same manner one resident of each ward to be a member of said school committee for three years from the first Monday of January next ensuing. The persons so elected, shall constitute the board of school committee, and shall serve without compensation. Vacancies occurring in the board may be filled for the remainder of the municipal year by the joint ballot of the city council and school committee, and for the unexpired term thereafter shall be filled at the first municipal election after such vacancies occur.

School committee to hold office for three years and to serve without compensation.

Subject to acceptance by voters of the city.

SECTION 2. This act shall not take effect until accepted by the voters of said city at a meeting duly held for that purpose.

*Approved May 2, 1873.*

*Ch.* 269. AN ACT TO INCORPORATE THE SQUANTUM FREE BRIDGE COMPANY.  
*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. Horatio N. Holbrook, George Clark, Jr., John Preston, John F. Dodge, their associates and successors, are made a corporation, by the name of Squantum Free Bridge Company; with the powers and privileges, and subject to the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Powers and duties.

May construct pile-bridge from Commercial Point to Squantum.

SECTION 2. Said corporation may construct a pile bridge across the waters of Neponset River, from Commercial Point, in Boston, to the opposite side of the river in that part of Quincy called Squantum. The capital stock of said corporation shall not exceed one hundred thousand dollars, and said corporation may purchase and hold such real and personal estate as may be necessary and convenient for the purposes of this act. Said bridge shall be well built of suitable materials, at least twenty-eight feet wide, floored with planks, provided with sufficient railings on each side, a sufficient footway on one side, and a suitable draw at least thirty-five feet wide, for the passage of vessels, and shall be kept in good repair at all times: *provided*, that the structure built under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, *further*, that the corporation shall be required to maintain the bridge, and shall be liable in damages for injury sustained by any person on account of defects therein.

Proviso.

Proviso.

Not to begin construction of bridge until \$25,000 is paid in.

SECTION 3. Said corporation shall not begin the construction of said bridge until at least twenty-five thousand dollars of its capital stock is subscribed for and actually paid in, and proof thereof given to the satisfaction of the harbor commissioners, who shall file a certificate thereof in the office of the secretary of the Commonwealth.

Bridge to be built within three years.

SECTION 4. If said corporation neglects for the space of three years from the passage of this act to build and finish said bridge, this shall be void.

SECTION 5. This act shall take effect upon its passage.

*Approved May 2, 1873.*

## AN ACT TO INCORPORATE THE BOSTON MORTGAGE COMPANY.

Ch. 270.

*Be it enacted, &c., as follows:*

SECTION 1. William Endicott, Jr., Abner I. Benyon, Corporators.  
 Charles H. Dalton, Edward Atkinson, J. Warren Merrill,  
 James B. Thayer, Albert Crosby, Henry S. Russell,  
 Rudolph Schleiden, Seth Turner, Corydon Beckwith,  
 Austin Sumner, William Claflin, George B. Clapp, David  
 R. Greene, John J. McKinnon, their associates and  
 successors, are made a corporation by the name of the  
 "Boston Mortgage Company," for the purposes hereinafter  
 set forth, to have its place of business in the city of  
 Boston, and to be subject to the provisions of all general  
 laws which now are or hereafter may be in force in relation  
 to such corporations.

Name and pur-  
pose.

SECTION 2. The capital stock of said company shall  
 be two million dollars, to be paid in at such times and in  
 such manner as the board of directors may decide; *pro-*  
*vided*, that said company shall not begin the transaction  
 of business until the whole capital stock shall be sub-  
 scribed for and paid in in cash to the satisfaction of the  
 savings-bank commissioner of this Commonwealth.

Capital stock.

Not to begin  
business until  
capital is paid  
in.

SECTION 3. The said corporation may make loans of  
 money, secured by conveyances of real estate; may take  
 and hold bonds, notes, or other proper evidences of debt  
 made payable to said company and secured by deed of  
 trust or mortgage of real property of a cash value not  
 less than double the amount of the loan; may sell and  
 dispose of the securities so taken; may guarantee the  
 regular payment of the principal and interest of any  
 bonds, notes or other evidences of debt secured by deed  
 of trust or mortgage of real estate lying in Massachusetts,  
 and may purchase real estate or other property at any  
 public auction sale thereof duly advertised with terms of  
 sale and made under or by virtue of any such loan, debt,  
 deed of trust or mortgage, but said company shall not  
 loan on any property upon which there is a prior mort-  
 gage, encumbrance or lien. Fifty per centum of all  
 loans shall be made upon real estate in this Common-  
 wealth, and no direct or indirect discrimination shall be  
 made against small loans, if they are not less than one  
 thousand dollars in amount.

May make loans  
secured by real  
estate.Not to loan on  
incumbered  
property.Fifty per cent.  
of loans to be on  
real estate in this  
State.

SECTION 4. All bonds, notes and other evidences of  
 debt taken by said company for money loaned, shall be  
 payable to said company at its office in the city of Boston,

Notes, &c., pay-  
able at office in  
Boston.

## Transfers.

and shall pass by delivery, by transfer on the books of said company in the city of Boston, or by certificate of its transfer agent at such other place as it may appoint. No transfer, except on the books of the company or by certificate of its transfer agent, shall be valid unless the last transfer shall have been to bearer. A complete record of such transfers by said transfer agents shall be forwarded to and kept at the office of the company in Boston. All such bonds, notes, or other evidences of debt shall at all times be subject to registration or to be made transferable to bearer at the option of any lawful holder thereof, without charge therefor.

Fund for guaranteeing real estate securities.

SECTION 5. No real estate securities shall be guaranteed unless a guarantee fund of not less than fifty thousand dollars shall have first been set aside from the capital stock paid in, and the company shall set apart, as an additional guarantee fund, ten per centum of its net earnings, until the said ten per centum and the said fifty thousand dollars, with the accumulated interest thereon, shall amount to one-fourth of the capital stock. Said guarantee fund shall be invested in the bonds of the United States or of the Commonwealth of Massachusetts, and the principal and interest thereof shall remain, be held and applied, so long as the said company shall continue liable upon any such guarantee, solely to secure the payment of the principal and interest of said guaranteed securities: *provided, however*, that the capital and guarantee fund, taken together, shall not at any time be less than ten per centum of the whole amount guaranteed and secured by endorsement at that time.

To be invested in U. S. or Mass. bonds.

## Proviso.

Shareholders held individually liable, equally and ratably, for all debts.

SECTION 6. The shareholders of said corporation shall be held individually liable, equally and ratably and not one for another, for all contracts, debts and engagements of such association, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions contained in chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, sections forty to forty-nine inclusive, shall apply to and regulate the enforcement of this liability.

Real estate to be sold within two years.

SECTION 7. All real estate purchased or acquired by said company under or by virtue of any deed of trust or mortgage, shall be sold within two years after such purchase or acquisition.



SECTION 8. The said company shall semi-annually make a return to the commissioner of savings banks of this Commonwealth on or before the second Monday of May and November, which shall be signed and sworn to by a majority of its board of directors, stating the full amount of its capital stock, the amount of its guarantee fund, the amount of all its liabilities direct and indirect, and in detail the amount of the securities guaranteed, and of all its investments in real estate securities, and in general the exact financial condition of said corporation. Said commissioner shall have the same access to the vaults, books and papers of said company, and it shall be his duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them, in the same manner and to the same extent as if the corporation were a savings bank.

Semi-annual returns to be made to commissioner of savings banks.

SECTION 9. Said corporation shall have the same power to hold, purchase and convey real estate and personal property necessary for the purposes of its organization, that is given to corporations organized under the general law by chapter two hundred and twenty-four of the statutes of eighteen hundred and seventy.

Power to hold and convey real estate.

SECTION 10. Said corporation, for purposes of taxation, shall be subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and to any acts existing or that may hereafter be passed in amendment thereof, and also to the provisions of all general laws relating to the taxation of corporations, so far as the same may be applicable; and the returns to be made by said corporation shall be those provided for in section eight of this act, and those required by chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and by acts passed in amendment thereof, and those which may be required by general laws from all corporations in this Commonwealth.

Taxation.

SECTION 11. The books of said company shall at all times be open for inspection to the stockholders and to all holders of bonds, notes or other evidences of debt guaranteed by the said company; and every stockholder shall be furnished with a copy of this charter.

Books to be open for inspection to the stockholders.

SECTION 12. This act shall take effect upon its passage.

*Approved May 6, 1873.*

*Ch.* 271. AN ACT TO SUPPLY THE VILLAGE OF ATTLEBOROUGH WITH WATER FOR THE EXTINGUISHMENT OF FIRES AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows:*

Attleborough  
village to be sup-  
plied with  
water.

May establish  
public fountains  
and hydrants.

Selectmen may  
select site for  
reservoir if vot-  
ers of district  
cannot agree,  
&c.

May take water  
from Ten Mile  
River.

May construct  
conduits and  
drains.

SECTION 1. The inhabitants of the village of Attleborough in the county of Bristol, liable to taxation in the town of Attleborough and residing within a radius of half a mile from the centre of the passenger depot of the Boston and Providence Railroad in said village, shall constitute a water district, and are made a body corporate by the name of the Attleborough water supply district, for the purpose of providing a reservoir of water for the extinguishment of fires, for generating steam and for domestic purposes, with power to convey water to different parts of said district; to establish public fountains and hydrants and regulate their use, or discontinue the same, and to fix and collect rents for the use of such water; and said district is also empowered to purchase a suitable site and to build and maintain a reservoir for the uses aforesaid, in such part of said district as it may determine; but in case said district cannot agree upon a site for said reservoir by a vote of two-thirds of the legal voters of said district, present and voting thereon at a meeting called for the purpose, or cannot agree with the owner of the land upon the price thereof, the selectmen of the town, on the application of the prudential committee or seven or more of the legal voters in said district, are authorized to select the location, not exceeding forty square rods of land, and to determine the damage to be paid to the owner of the land so selected, in the manner provided in sections thirty-eight and thirty-nine of chapter thirty-eight of the General Statutes and subject to the right of appeal as therein provided.

SECTION 2. Said district is also empowered to take water from the Ten Mile River within the limits of the district and convey the same to all parts thereof, and may, with the approval of the selectmen of the town, take and hold all land necessary for raising, holding and preserving such water, and may erect thereon proper dams, buildings, fixtures and other structures, and may make excavations and procure and operate any machinery therefor; and may also construct and lay down conduits, pipes and drains under or over any water-course, and under any railroad and under and along any street, highway or other way in said town, in such manner as will do the least

damage, and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other purposes of this act, may dig up any such street, highway or other way; but all things done upon any street, highway or other way shall be subject to the direction of the selectmen of the town, and all things done upon any railroad shall be subject to the direction of the county commissioners for the county of Bristol. Within sixty days after the time of taking any land as aforesaid, the district shall file in the registry of deeds for the county in which such land lies, a description thereof sufficiently accurate for identification, together with a statement of the purposes for which the same is taken.

Description of land taken to be filed in registry of deeds.

SECTION 3. For the purpose of defraying necessary expenses and liabilities incurred in the construction and maintenance of said works, said district upon a two-thirds vote of its legal voters, present and voting at a meeting called for the purpose, may raise by taxation on the polls and estates of the persons residing within its limits, and of non-resident owners of real estate therein and liable to taxation in said town, any sums of money, not exceeding in the whole amount ten thousand dollars for the first year; and after that sum shall have been raised and expended for the purposes herein provided, said district may thereafter raise in the manner heretofore provided in this act, further sums of money, not exceeding one thousand dollars annually, for the purpose of extending and repairing said works.

May raise money by taxation.

SECTION 4. Whenever a tax is duly voted by said district, the clerk shall render a certified copy of the record to the assessors of the town, who shall proceed, within thirty days, to assess the same on the polls and estates of the inhabitants of said district, and on non-resident owners of real estate therein, and on all real estate which any resident holds in the town, the same being under his own actual improvement.

Tax to be assessed by the assessors of the town.

The assessment shall be committed to one of the town collectors, who shall collect said tax in the same manner as is provided for the collection of school district taxes, and shall deposit the proceeds thereof with the town treasurer.

SECTION 5. Instead of raising money as provided in section three, said district may issue bonds, signed by the

District may issue bonds not

exceeding \$20,000.

Bonds may be sold at public or private sale.

First meeting of district to be called by selectmen on petition of seven or more legal voters.

Subject to acceptance by a two-thirds vote.

Prudential committee to have charge of the works.

To make an annual report.

clerk and countersigned by the prudential committee of said district, to be denominated "The Attleborough Water Supply Bonds," to an amount not exceeding twenty thousand dollars, payable at periods not exceeding fifteen years from the date of this act, with interest payable semi-annually at a rate not exceeding seven per centum per annum; and said district may sell said bonds, at public or private sale, upon such terms and conditions as it may deem proper, and may raise money by taxation in the manner prescribed in section three to pay said bonds and interest thereon, when due; but said district shall not raise more than two thousand five hundred dollars in any one year to pay the principal of said bonds, except the year on which the same may become due.

SECTION 6. The first meeting of said district shall be called on petition of seven or more legal voters therein, by a warrant from the selectmen of the town, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of said warrant in three or more public places in said district seven days at least before the time of said meeting, and by publishing such notice thereof as the warrant may require in the Attleborough Chronicle, published in said town. One of the selectmen shall preside at the meeting until a clerk is chosen and sworn. After the choice of a moderator for said meeting the question of the acceptance of this act shall be submitted to the voters, and if it shall be accepted by two-thirds of the voters present and voting thereon it shall thereupon go into operation, and the meeting may then proceed to act on the other articles contained in the warrant.

SECTION 7. The district shall choose by ballot three persons who shall constitute the prudential committee and shall hold office for one year and until others shall be chosen in their stead. The prudential committee shall have in charge the construction and maintenance of the works herein provided.

No money belonging to the district shall be drawn from the treasury of the town except by the written order of the prudential committee or a majority of them. They shall annually make a full report in writing of their doings and expenditures. Any vacancy in either of these offices may be filled at a regular meeting of the voters of said district called for the purpose.

SECTION 8. Said district shall be liable to pay all damages sustained by any persons or corporations by the taking of any land, water or water rights, or by the construction of any aqueducts, reservoirs or other works for the purposes mentioned in this act.

Liability for damages.

If any person or corporation sustaining damages as aforesaid, cannot agree with said district upon the amount of such damages he may have the same assessed by the selectmen of the town, by making a written application therefor within one year after sustaining such damages; and either party aggrieved by the doings of said selectmen in the estimation of said damages may have the same determined by a jury, and the same proceedings shall in all respects be had and in the same manner as is provided in case of taking lands for highways.

SECTION 9. Said district is made a body corporate with power to take and hold property for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of said district.

District made a body corporate for purposes of this act.

SECTION 10. Any person who shall maliciously divert the water, or any part thereof, taken and used under the provisions of this act, or who shall maliciously corrupt the same or render it impure, or who shall maliciously destroy or injure any dam, aqueduct, pipe, hydrant or other property, real or personal, held, owned or used by said district for the purposes of this act, shall pay three times the actual damage done to said district, to be recovered in an action of tort.

Penalty for diverting water or maliciously corrupting the same.

Any such person, on conviction of any of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or by both fine and imprisonment.

SECTION 11. The said district may adopt by-laws prescribing by whom and how meetings may be called and notified; but meetings may also be called on application of seven or more voters in said district, by warrant from the selectmen, on such notice as may be prescribed therein.

May adopt by-laws prescribing manner of holding meetings.

The district may also provide rules and regulations on other subjects not inconsistent with this act or the laws of the Commonwealth; and said district may choose such other officers not provided for in this act, as it may deem proper and necessary.

SECTION 12. This act shall take effect upon its passage.

*Approved May 6, 1873.*

**Ch. 272.** AN ACT AMENDING AN ACT RELATING TO THE ASSESSMENT OF TAXES UPON ESTATES OMITTED IN THE ANNUAL TAXATION.

*Be it enacted, &c., as follows:*

Amendment to 1868, 320, § 1.

SECTION 1. Section one of chapter three hundred and twenty of the acts of eighteen hundred and sixty-eight, is amended by striking out the word "five," and inserting instead thereof the word "one," also by striking out the words "first day of August," and inserting "fifteenth day of September."

SECTION 2. This act shall take effect upon its passage.

*Approved May 6, 1873.*

**Ch. 273.** AN ACT TO AUTHORIZE THE TOWN OF WAKEFIELD TO PAY BOUNTIES TO SOLDIERS WHO SERVED AS PART OF THE QUOTA OF SAID TOWN IN THE RECENT WAR.

*Be it enacted, &c., as follows:*

May raise money to pay bounties to soldiers not exceeding \$100 to each soldier.

SECTION 1. The town of Wakefield may raise and appropriate money to pay bounties to soldiers who served during the late war as a part of the quota of said town, and who have not received a town or subscription bounty, to the amount of one hundred dollars: *provided, however,* that the amount of money so raised and applied shall not exceed the sum of one hundred dollars for each soldier who is paid a bounty under this act: and provided, further, that said town shall not be reimbursed by the Commonwealth for any money paid under the provisions of this act.

Bounty to be paid to widow, &c., if soldier is dead.

SECTION 2. If any such soldier has died, or shall die before he receives his bounty, it shall be paid to his widow, or if he leave no widow, to his lawful heirs.

SECTION 3. This act shall take effect upon its passage.

*Approved May 6, 1873.*

**Ch. 274.** AN ACT TO ESTABLISH THE LEXINGTON WATER COMPANY.

*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. Geo. W. Robinson, Howland Holmes, M. H. Merriam, F. F. Raymond, Gershom Swan, Hammon Reed, their associates and successors, are made a corporation by the name of The Lexington Water Company, for the purpose of furnishing the inhabitants of Lexington with pure water; with the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the general laws which are or may hereafter be in force applicable to such corporations.

Name and purpose.

Powers and duties.

May take water from Vine Brook.

SECTION 2. Said corporation, for the purposes aforesaid, may take, hold and convey, through said town of

Lexington, or any part thereof, the waters of Vine Brook and its tributaries, within said town; and may take and hold, by purchase or otherwise, such land as may enable them to construct one or more reservoirs for the storage of water on any part of said brook, below the point where it is crossed by the Lexington and Arlington Railroad, and at or above the site of the Gibbs Mill, so called, and such other land, not more than five rods wide on the said brook, and around any storage or distributing reservoir, as may be necessary to protect the same and secure the purity of the water; and may also take and hold, in like manner, such land as may be necessary for erecting any building for machinery to raise water or force it through the town, or any part thereof; for constructing any distributing reservoir; for erecting any dam or embankment, and for laying down and maintaining conduits and pipes, and constructing drains, aqueducts, hydrants and other works for collecting, conducting and distributing water among the inhabitants.

May construct  
reservoirs.

And said corporation shall, within ninety days after taking such land, file in the registry of deeds for the southern district of Middlesex County, a description of the land so taken, sufficiently accurate for identification, together with a statement of the purpose for which it is taken.

To file in registry  
of deeds a  
description of  
land taken.

SECTION 3. And said corporation may, for the purposes aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway or other way, in such a manner as not to obstruct the same; and, for like purposes, may enter upon and dig up any road, under the direction of the selectmen of the town of Lexington, in such a manner as to cause as little hindrance as possible to the travel thereon.

May dig up  
roads under the  
direction of se-  
lectmen.

SECTION 4. Said corporation shall be liable to pay all damages sustained by the taking of any land, water or water rights, or by the constructing of aqueducts, hydrants, reservoirs or other works for the purposes aforesaid. If any party sustaining damage as aforesaid, cannot agree with said corporation upon the amount of said damage, he may have the same assessed by the county commissioners, and if either party is dissatisfied with the award of the commissioners, application may be made within one year from the award of said commissioners, for a trial by jury, and the same proceedings may be had, and the same

Liability for  
damages.

Damages to be paid before entering upon land.

provisions of law shall apply as in the case of land taken for highways. All damages for taking land for the purposes aforesaid shall be paid or secured by said corporation, before entering upon said land except for surveys or explorations.

No application to be made for damages for taking water rights until water is actually diverted.

SECTION 5. No application shall be made to the county commissioners for the assessment of damages for the taking of any water rights, until the water is actually withdrawn or diverted by said corporation; and any person whose water rights are thus taken or affected, may apply, as aforesaid, at any time within two years from the time when the water is withdrawn or diverted.

Capital stock not to exceed \$100,000.

SECTION 6. The capital stock of said corporation shall not exceed one hundred thousand dollars, and no pecuniary liability, except for surveys and preliminary arrangements, shall be assumed until ninety per centum of said capital stock shall have been subscribed, and ten per centum of that sum shall have been actually paid in.

May fix rate of water rents.

SECTION 7. The corporation may fix the rate of water rents and the mode of delivering the water; and the occupant of every tenement into which the water is introduced shall be liable for the payment of the rent for the use of the water in such tenement; and also the owner thereof shall be liable if, on being notified of such use, he does not object thereto.

Penalty for maliciously diverting water or rendering it impure.

SECTION 8. If any person shall use any of said water, taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water, or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damage assessed therefor, to be recovered in an action of tort; and, on conviction of either of the wanton or malicious acts aforesaid, may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Lexington may take twenty-five per cent. of capital stock.

SECTION 9. The town of Lexington may take and hold twenty-five per centum of the capital stock of this corporation, and have its proportionate voice in the management of the affairs of said corporation, provided it shall vote so to do at any legal meeting called for that purpose.



SECTION 10. The town of Lexington is authorized to purchase all the franchise, rights and property of said corporation, with the written assent of at least three-fourths in interest of the stockholders, and the said corporation is authorized, upon such written assent, to make sale of the same. And this authority to purchase said franchise and property is granted only on condition that the same is assented to by said town by a three-fifths vote at a legal meeting called for that purpose.

Lexington may purchase franchise with the assent of three-fourths in interest of the stockholders.

SECTION 11. For the purpose of defraying the cost of such property, lands, water and water-rights, as shall be purchased for the purposes aforesaid, the town shall have authority to issue, from time to time, notes, scrip or certificates of debt, with or without coupons, to be denominated on the face thereof, "Lexington Water Scrip," to an amount not exceeding one hundred thousand dollars, bearing interest not exceeding seven per centum per annum, which interest shall be payable semi-annually, and the principal shall be payable at periods not more than fifteen years from the issuing of said scrip, notes or certificates of debt respectively; and the town may sell the same or any part thereof, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as the town may think proper. The said town is further authorized to make appropriations and assess, from time to time, such amounts, not exceeding, in any one year, the sum of five thousand dollars, towards paying the principal of the money borrowed, and also a sum sufficient to pay the interest thereof, in the same manner that money is assessed and appropriated for other municipal purposes.

Town may issue "Lexington Water Scrip" not exceeding \$100,000.

SECTION 12. In case the town of Lexington shall purchase the property, rights, privileges and franchises of the corporation established by this act, the said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, in such manner and by such officers, servants or agents as the town may direct. And the town shall be liable to pay all damages for land, water or water-rights taken for the purposes set forth in this act, which shall not have been previously paid by said corporation.

Town to exercise all powers conferred upon corporation if franchises is purchased.

SECTION 13. This act shall take effect on its passage.

*Approved May 12, 1873.*

**Ch. 275.** AN ACT GIVING TRIAL JUSTICES OF JUVENILE OFFENDERS JURISDICTION IN MATTERS RELATING TO INSANE PERSONS.

*Be it enacted, &c., as follows :*

Trial justices of juvenile offenders to have jurisdiction in matters relating to insane persons.

Any trial justice of juvenile offenders of Suffolk county shall have the same jurisdiction as the judge of probate in all matters relating to the commitment of insane persons, and may commit to either of the state lunatic hospitals or to the Boston Lunatic Hospital, any insane person, who in his opinion is a proper subject for treatment or custody in such hospitals, in accordance with the laws now or hereafter in force in relation to lunatic hospitals and insane persons. Said trial justices shall receive the same fees and compensation as now provided by law for judges of probate in like cases, to be paid by the county of Suffolk.

Fees.

*Approved May 12, 1873.*

**Ch. 276.** AN ACT TO ESTABLISH A CAPE COD STATION FOR BOSTON PILOTS.

*Be it enacted, &c., as follows :*

Outer station for Boston pilots.

There shall be two stations for Boston pilots for inward-bound vessels. The outer station shall include a distance in sight of land in fair weather from the boat's deck, from where Race Point bears south to where the Highland Light bears west north-west. The station boat shall at all times show pilot signals, and shall remain on the station until relieved, or compelled by unavoidable circumstances to leave, in which case the fact shall be reported to the commissioners of pilots in the most expeditious way, who may then order any available boat to take her place and remain, subject to the like duties, and the boat so ordered shall, until relieved, be the station boat. The last pilot in the station boat on leaving shall direct the boat to supply herself with pilots in the most expeditious way.

Station boat to show signals and remain on station until relieved.

The pilot boats on duty at this outer station shall be provided with proper signals to communicate with the telegraph station on shore, their need of pilots or other matters concerning their duties, which information shall be transmitted to their agent at Boston, who shall give immediate attention thereto.

Inner station.

The existing regulations of law for the inner station shall also apply to the Cape Cod station created by this act.

*Approved May 12, 1873.*

AN ACT IN ADDITION TO AN ACT TO SUPPLY THE TOWN OF WINCHESTER WITH PURE WATER. *Ch. 277.**Be it enacted, &c., as follows :*

SECTION 1. The town of Winchester for the purposes named in the first section of chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-two, may collect the water of and on the territory lying along the easterly side of the town of Winchester, being in the towns of Winchester, Medford and Stoneham, extending eighty rods south of the north line of said town of Medford, and including all the natural water-shed of said territory, by means of dams, aqueducts, pipes, pumps, reservoirs or such other structures as may be necessary and convenient for the preservation and purity of said water, and may convey the said water from said territory by any convenient route, and distribute the same in the manner and upon the conditions and terms set forth in said act: *provided*, that none of the waters tributary to Spot Pond shall be diverted from said Spot Pond by virtue hereof.

May collect water in towns of Winchester, Medford and Stoneham, 1872, 265.

SECTION 2. Within sixty days after taking any of the land aforesaid, said town of Winchester, by and through its board of water commissioners, shall file in the registry of deeds for the county in which the land lies, a description thereof, sufficiently accurate for identifying the same, together with a statement of the purpose for which said land is taken. All claims for damages sustained by taking lands, water or water-rights or by making aqueducts, reservoirs or other works shall be ascertained, determined and recovered as provided by law in case of land taken for highways, except that the complaint in the second section of said act may be filed within three years after said taking.

To file in registry of deeds within sixty days description of land taken.

SECTION 3. This act shall take effect upon its passage.

*Approved May 12, 1873.*

AN ACT RELATING TO CLERICAL ASSISTANCE FOR DISTRICT ATTORNEYS. *Ch. 278.**Be it enacted, &c., as follows :*

SECTION 1. In any district in which there is no assistant district attorney, the court may allow such sum as it may deem reasonable for the services of a clerk to aid the district attorney in the transaction of the criminal business of the district, the same to be paid from the county treasury.

District attorney may have a clerk when there is no assistant attorney.

SECTION 2. This act shall take effect upon its passage.

**Ch. 279.** AN ACT RELATING TO THE ATTENDANCE OF CHILDREN AT SCHOOL.  
*Be it enacted, &c., as follows :*

Amendment to  
 G. S. 41, § 1.

SECTION 1. Section one of chapter forty-one of the General Statutes is amended to read as follows :—

Every person having under his control a child between the ages of eight and twelve years, shall annually cause such child to attend some public day school in the city or town in which he resides at least twenty weeks ; and for every neglect of such duty the party offending shall forfeit to the use of the public schools of such city or town a sum not exceeding twenty dollars ; but if the party so neglecting, was not able, by reason of poverty, to send such child to school, or such child has attended a private day school, approved by the school committee of such city or town for a like period of time, or is regularly attending a public or private day school, known as a half-time school, also approved by them, or that such child has been otherwise furnished with the means of education for a like period of time, or has already acquired the branches of learning taught in the public schools, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable, the penalty before mentioned shall not be incurred : *provided*, that no objection shall be made by the school committee to any such school on account of the religious teaching in said school.

Amendment to  
 G. S. 41, § 2.

SECTION 2. The second section of chapter forty-one of the General Statutes is amended to read as follows :—

The truant officers and the school committee of the several cities and towns shall vigilantly inquire into all cases of neglect of the duty prescribed in the preceding section, and ascertain the reasons, if any, therefor ; and such truant officers, or any of them, shall, when so directed by the school committee, prosecute, in the name of the city or town, any person liable to the penalty provided for in the preceding section.

Jurisdiction.

Justices of police or district courts, trial justices, trial justices of juvenile offenders, and judges of probate shall have jurisdiction within their respective counties of the offences described in this act. *Approved May 12, 1873.*

**Ch. 280.** AN ACT IN RELATION TO MORTGAGES BY GUARDIANS AND OTHERS.  
*Be it enacted, &c., as follows :*

Amendment to  
 1871, 282, § 1.

SECTION 1. The first section of the two hundred and eighty-second chapter of the acts of the year eighteen

hundred and seventy-one is amended by striking out the words "the guardian of a minor," and inserting in place thereof "a guardian."

SECTION 2. All statutes authorizing administrators, guardians and trustees to mortgage real estate, shall be construed as authorizing the giving of a mortgage containing a power of sale.

May execute mortgages with power of sale.

SECTION 3. This act shall take effect upon its passage.

*Approved May 12, 1873.*

AN ACT TO ANNEX CERTAIN TERRITORY IN THE TOWN OF WINCHESTER TO THE TOWN OF WOBURN.

*Ch. 281.*

*Be it enacted, &c., as follows :*

SECTION 1. The following described territory, containing about sixty-seven acres, lying in the town of Winchester, and being mostly the property of the town of Woburn, is annexed, with the estates therein, to, and made part of said town of Woburn. Said territory is bounded as follows : Beginning at a stone bound on Pond Street, in said Woburn, at the town bound ; thence running south seventy-eight degrees west, by the existing line between said towns over Horn Pond Mountain, thirty-two hundred and ten feet to a stone bound, four hundred and ten feet distant south-easterly from the existing town bound on Cambridge Street, in said Woburn and said Winchester ; thence running south forty-five degrees forty minutes east, about twenty-one hundred and eighty-seven feet to a stone bound ; and thence running north thirty-five degrees thirty-two minutes east, about twenty-six hundred and eighty feet to the point of beginning.

Part of Winchester annexed to Woburn.

SECTION 2. The stone bounds mentioned in section one, shall be erected by and at the expense of the town of Woburn.

Bounds to be erected by town of Woburn.

*Approved May 12, 1873.*

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO PURCHASE LAND FOR SLAUGHTER-HOUSES.

*Ch. 282.*

*Be it enacted, &c., as follows :*

SECTION 1. The city of Worcester may purchase and hold land as a place for carrying on the business of slaughtering cattle and other animals, and may lease the same for said purpose upon such terms and conditions as the city council of said city shall prescribe.

May purchase and lease land for slaughter-houses.

SECTION 2. This act shall take effect upon its passage.

*Approved May 12, 1873.*

**Ch. 283.** AN ACT AMENDING AN ACT TO PROVIDE FOR INQUESTS IN CASES OF FIRE.

*Be it enacted, &c., as follows:*

Amendment to  
1867, 303, § 1.

SECTION 1. Section one of chapter three hundred and three of the acts of the year eighteen hundred and sixty-seven is amended by striking out the word "thirty," and inserting instead thereof the word "sixty."

SECTION 2. This act shall take effect upon its passage.

*Approved May 12, 1873.*

**Ch. 284.** AN ACT TO EXEMPT VESSELS EMPLOYED IN THE COASTING TRADE FROM COMPULSORY PILOTAGE.

*Be it enacted, &c., as follows:*

Coasting vessels  
not obliged to  
pay pilotage.

SECTION 1. No vessel regularly employed in the coasting trade, declining the services of a pilot, shall be obliged to pay compulsory pilotage into or out of any port in this Commonwealth.

Boston pilots  
not obliged to  
render service  
to exempted  
vessels.

No authorized branch pilot for the port of Boston shall be obliged to render service to exempted vessels, in accordance with the laws and regulations as applied to vessels that come within the compulsory act.

Rates of pilot-  
age to be the  
same during the  
whole year.

SECTION 2. Hereafter the rates of pilotage for the port of Boston shall be the same during the whole year as those now established for outward and inward bound vessels respectively, for the six months commencing November first and ending April thirtieth.

SECTION 3. This act shall take effect upon its passage.

*Approved May 13, 1873.*

**Ch. 285.** AN ACT TO INCORPORATE THE CHAPIN BANKING AND TRUST COMPANY OF SPRINGFIELD.

*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. Chester W. Chapin, J. M. Thompson, John B. Stebbins, Daniel L. Harris, Clark W. Bryan, Henry S. Lee, Henry S. Hyde, H. N. Case, Henry Alexander, Jr., W. K. Baker, B. F. Bowles, J. A. Rumrill, Henry Fuller, Jr., M. P. Knowlton, Charles Merriam, C. O. Russell, Geo. M. Stearns, J. D. Safford, all of Springfield, Massachusetts, their associates and successors, are made a corporation by the name of the Chapin Banking and Trust Company of Springfield, to be located at Springfield, for the purpose of receiving on deposit, storage or otherwise, money, in sums of one hundred dollars and upwards, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt and other property of every

Name and pur-  
pose.

kind, and of collecting and disbursing the interest or income upon such of said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income, when it becomes due, upon terms to be prescribed by the corporation; and for the purpose of advancing money or credits on real and personal security, on terms that may be agreed upon; and all the powers and privileges necessary for the execution of this purpose are hereby granted, subject, nevertheless, to the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes, and in all the general laws which now are or hereafter may be in force relating to such corporations.

Powers and duties.

SECTION 2. Such corporation shall at all times have on hand, as a reserve, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of all its deposits which are subject to withdrawal upon demand, or within ten days; and whenever said reserve of such corporation shall be below such per centum of such deposits it shall not increase its liabilities, by making any new loans, until the required proportion between the aggregate amount of such deposits and its reserve shall be restored: *provided*, that in lieu of lawful money one-third of said fifteen per centum may consist of balances payable on demand due from any national bank, doing business in this Commonwealth, approved by the commissioner of savings banks; and one other third of said fifteen per centum may consist of bonds of the United States or of this Commonwealth, the absolute property of such corporation.

To have on hand at all times, as a reserve, fifteen per cent. of capital.

Proviso.

SECTION 3. Any court of law or of equity, including courts of probate and insolvency of this state, may, by decree or otherwise, direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corporation shall not be required to assume or execute any trust without its own assent. Said corporation shall also have power to receive and hold moneys or property in trust, or on deposit from executors, administrators, assignees,

Any court may direct that moneys under its control may be deposited with this corporation.

Proviso.

Proviso.

guardians and trustees, upon such terms or conditions as may be obtained or agreed upon: *provided, also*, that all such moneys or properties received under the provisions of this section, shall be loaned on or invested only in the authorized loans of the United States, or of any of the New England states, or of cities, counties, or towns of this state, or stocks of state or national banks, organized within this Commonwealth, or the first mortgage bonds of any railroad company incorporated by any of the New England states, which has earned and paid regular dividends on its stocks, for two years next preceding such loan or investment, or the bonds of any such railroad company unincumbered by mortgage or first mortgages on real estate in this Commonwealth or in any securities in which savings banks are allowed to invest, or upon the notes with two sureties of manufacturing corporations created under the laws of this state, or of individuals with a sufficient pledge as collateral of any of the aforesaid securities; (but all real estate, acquired by foreclosure of mortgages, or by levy of execution, shall be sold at public auction within two years of such foreclosure or levy): *provided, also*, that all such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds, and the investment or loans of them shall be specially appropriated to the security and payment of such deposits, and not be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this proviso, said corporation shall have a trust department, in which all business authorized by this section shall be kept separate and distinct from its general business.

Liabilities of any corporation, &c., other than cities, &c., not to exceed one-fifth of this company's capital.

SECTION 4. The total liabilities to this corporation of any person, firm or corporation, other than cities or towns, for money borrowed, including in the liabilities of a company or firm the liabilities of its several members, shall, at no time, exceed one-fifth part of such amount of the capital stock of this corporation as is actually paid up.

To make semi-annual returns to commissioner of savings banks.

SECTION 5. Said corporation shall semi-annually make a return to the commissioner of savings banks in this Commonwealth on or before the second Mondays of May and November, and at two other times during the year when said commissioner shall from time to time by written notice direct the same to be made, which shall be signed



and sworn to by a majority of its board of directors; and said return shall specify the following, namely: capital stock; amount of all moneys and property, in detail, in the possession or charge of said company as deposits; amount of deposits payable on demand or within ten days, trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states or cities or counties or towns, stating amount in each; investments in bank stock, stating amount in each; investments in railroad stock, stating amount in each; investments in railroad bonds, stating amount in each; loans on notes of corporations, stating amount on each; loans on notes of individuals; loans on mortgage of real estate; cash on hand; all as existing at the date of making of such return, with the rate, amount and date of dividends since last return. The commissioner of savings banks shall have access to the vaults, books and papers of the company, and it shall be his duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if this corporation were a savings bank, subject to all the general laws which now are or hereafter may be in force, relating to such institutions in this regard. Abstracts of such returns, showing the resources and liabilities of said corporation, in a form to be approved by said commissioner, shall be published in a newspaper in the city of Springfield at the expense of such corporation.

Commissioner to have access to books and papers of the company.

SECTION 6. Said corporation shall be subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and any acts now existing, or which may hereafter be passed in amendment or lieu thereof.

To be subject to provisions of 1865, 283.

SECTION 7. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement attested by the oath of some officer of the corporation, of all personal property held upon any trust on the first day of May, which would be taxable if held by an individual trustee residing in this Commonwealth and the name of every city or town in this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities and towns, and also the aggregate amount held for

To make annual return to the tax commissioner of personal property held in trust.

To pay a tax  
into the state  
treasury.

beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fourteen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof, for corporations failing to make the returns provided by said act. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner, upon an amount equal to the total value of such property, at the rate ascertained and determined by him, under section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof.

To make an-  
nual return of  
amount deposit-  
ed on interest or  
for investment.

SECTION 8. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement, verified by the oath of some officer of the corporation, of the amount of all sums deposited with it on interest or for investment, other than those specified in the seventh and tenth sections of this act, together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns under a like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths the rate ascertained and determined by him, under section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof.

No taxes to be  
assessed in any  
city or town on  
property held  
in trust or de-  
posited on in-  
terest.

SECTION 9. No taxes shall be assessed in any city or town for state, county or town purposes, upon or in respect of any such property held in trust or any such amounts deposited on interest, or for investment, but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for beneficiaries and persons residing in such cities and towns respectively; and in regard to such sums so to

be assessed and paid as aforesaid, said corporation shall be subject to sections eleven, twelve, thirteen, the last paragraph of section fifteen and section seventeen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment or lieu thereof, so far as the same are applicable thereto.

SECTION 10. Deposits with said corporation which can be withdrawn on demand, shall, for purposes of taxation, be deemed money in possession of the person to whom the same is payable.

Deposits on demand deemed to be in possession of payee.

SECTION 11. The said corporation is also authorized to act as agent for the purpose of issuing, registering, or countersigning the certificates of stock, bonds or other evidences of indebtedness of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon.

May act as agent for issuing bonds, &c., for any corporation.

SECTION 12. The capital stock of said corporation shall be five hundred thousand dollars, with the privilege to increase the same to one million dollars; and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have been actually paid in in cash.

Capital stock.

SECTION 13. Said corporation shall be entitled to purchase and hold, for its own use, real estate not exceeding in value one hundred thousand dollars.

Proviso.

Real estate.

SECTION 14. The shareholders of said corporation shall be held individually liable, equally and ratably and not one for another, for all contracts, debts and engagements of such association, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions contained in chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, sections forty to forty-nine inclusive, shall apply to and regulate the enforcement of this liability.

Stockholders to be held individually liable for debts.

SECTION 15. This act shall take effect upon its passage.

*Approved May 13, 1873.*

*Ch.* 286. AN ACT TO UNITE THE CITY OF CHARLESTOWN WITH THE CITY OF BOSTON.

*Be it enacted, &c., as follows:*

Charlestown annexed to Boston and to become part of Suffolk County.

SECTION 1. All the territory now comprised within the limits of the city of Charlestown, in the county of Middlesex, with the inhabitants and estates therein, is annexed to and made part of the city of Boston, in the county of Suffolk, and shall hereafter constitute a part of the county of Suffolk, subject to the same laws, municipal regulations, obligations and liabilities, and entitled to the same privileges and immunities in all respects as the said city of Boston: *provided, however*, that until constitutionally and legally changed, said territory shall continue to be, for the purpose of electing members of the house of representatives, part of the county of Middlesex, constituting the first, second and third representative districts thereof; for the purpose of electing a senator, the first Middlesex senatorial district; for the purpose of electing a councillor, part of council district number six; and for the purpose of electing a representative in congress, part of congressional district number five, as the same are now constituted.

Proviso.

Election of representatives, senator, councillor and member of congress.

Duties of officers pertaining to elections.

All the duties now required by law to be performed by the mayor and aldermen and city clerk of the city of Charlestown, or either of them, pertaining to the election of representatives in congress, state councillors, senators and members of the house of representatives, shall in like manner devolve upon and be performed by the board of aldermen and city clerk of the city of Boston.

It shall be the duty of the ward officers of the several wards, as now established in said city of Charlestown, as hereafter provided, respectively, to make return of all votes that may be cast therein, from time to time, for representatives in congress, state councillors, senators, members of the house of representatives, and for all other national, state, district, county, municipal and ward officers, to the city clerk of the city of Boston.

Public property of Charlestown to be vested in the city of Boston.

SECTION 2. All the public property of the said city of Charlestown shall be vested in and is declared to be the property of the city of Boston; and said city of Boston shall succeed to all the rights, claims, causes of action, rights to uncollected taxes, liens, uses, trusts, duties, privileges and immunities of said city of Charlestown. The city treasurer of the said city of Charlestown shall,

Treasurer of Charlestown to

on or before the second Monday of January, in the year eighteen hundred and seventy-four, under the direction of the mayor and aldermen of said city of Charlestown, who shall for this purpose and for all other purposes necessary to carry into full effect the provisions of this act, continue to hold their offices over, transfer, deliver, pay over and account for to the city treasurer of the city of Boston, all books, papers, moneys and other property in their possession as city treasurer of said city of Charlestown, when this act shall take effect; and the city of Boston shall become liable for and subject to all the debts, obligations, duties, responsibilities and liabilities of said city of Charlestown. All actions and causes of action which may be pending, or which shall have accrued at the time this act shall take effect, in behalf of or against said city of Charlestown, shall survive, and may be prosecuted to final judgment and execution in behalf of or against the city of Boston.

deliver books  
and other prop-  
erty to treasurer  
of Boston.

Boston liable for  
debts of Charles-  
town.

Pending actions  
to survive.

SECTION 3. The several courts within the county of Suffolk, except the municipal courts of the city of Boston, after this act shall take effect, shall have the same jurisdiction over all causes of action and proceedings in civil causes, and over all matters in probate and insolvency, which shall have accrued within said territory hereby annexed, that said courts now have over like actions, proceedings and matters within the county of Suffolk: *provided, however*, that the several courts within the county of Middlesex shall have and retain jurisdiction of all actions, proceedings and matters that shall have been rightfully commenced in said courts prior to the time when this act shall take effect; and the supreme judicial court and the superior court within the county of Suffolk, after this act shall take effect, shall have the same jurisdiction of all crimes, offences and misdemeanors that shall have been committed within the said territory of the city of Charlestown, that the supreme judicial court and superior court within the county of Middlesex now have; but if before this act takes effect proceedings shall have been commenced in any of the courts within the county of Middlesex for the prosecution of said crimes, offences and misdemeanors, the said courts within the county of Middlesex shall have and retain jurisdiction of the same for the full, complete and final disposition thereof. All suits, actions, proceedings, complaints and prosecutions, and all

Jurisdiction of  
courts in Suffolk  
County.

Jurisdiction of  
courts in Mid-  
dlesex County.

matters of probate and insolvency, which shall be pending within said territory of the city of Charlestown before any court or justice of the peace, when this act shall take effect, shall be heard and determined as though this act had not passed.

Territory of Charlestown to constitute a judicial district.

Municipal court for Charlestown district.

SECTION 4. Said territory of the city of Charlestown shall constitute a judicial district under the jurisdiction of the police court of the city of Charlestown, which shall continue to exist, and shall hereafter be designated and known by the name of the municipal court for the Charlestown district of the city of Boston. Said court shall have the same civil and criminal jurisdiction in said district, and the same civil jurisdiction in the county of Suffolk, as the police courts, other than that of the city of Boston, have by law, in their respective counties; and it shall have no other jurisdiction. Appeals shall be allowed from all judgments of said court in like manner and to the same courts that appeals are now allowed from the judgments of the municipal court of the city of Boston. All acts and duties, if any, now incumbent upon the city council of the city of Charlestown, or either branch thereof, relating to the said court of the city of Charlestown, shall hereafter devolve upon and be performed by the city council of the city of Boston. All fines and forfeitures, and all costs in criminal prosecutions in said court, and all fees and charges received in said court in civil proceedings, shall be accounted for and paid over in the same manner as is now provided for the municipal court within the city of Boston.

Ward limits to remain unchanged.

SECTION 5. The three wards now established in said city of Charlestown shall so remain until alteration of the ward limits of said city of Boston, provided by law. And each of the wards so established shall be entitled to all the municipal and ward officers which each of the other wards of said city of Boston is entitled to, except as hereinafter provided; and the board of aldermen of said city of Boston shall, in due season, issue their warrants for meetings of the legal voters of said wards respectively, to be held on the second Tuesday in December, in the year eighteen hundred and seventy-three, at some place within said wards respectively, which shall be designated in said warrants, there to give in their ballots for the several municipal and ward officers for the year eighteen hundred and seventy-four, for which they shall be entitled to vote

by virtue of the provisions of this act. The ward officers of the wards now established in said city of Charlestown shall hold their respective offices until the first Monday of January, in the year eighteen hundred and seventy-four, and until others shall be chosen and qualified in their stead. And in case of the absence or resignation of any ward officer, others may be chosen as now provided by law, and they shall perform all the duties required of ward officers during their continuance in office.

Ward officers to hold office until first Monday of January, 1874.

The term of office of the school committee men heretofore chosen in each of the wards of the said city of Charlestown shall expire on the first Monday of said January; and there shall be chosen at the election heretofore provided for in this section, three persons from each of said wards to be members of the school committee of the city of Boston, one for three years, one for two years, and one for one year, and thereafter all vacancies in said committee shall be filled as now provided by law for filling vacancies in the school committee of said city of Boston.

School committee.

The board of aldermen of the city of Boston shall prepare lists of all the legal voters in said wards of the city of Charlestown, to be used at said meetings, and shall do all other things which they are now by law required to do in respect to like elections in other wards in the city of Boston, and at said meetings any legal voter of said wards, respectively, may call the citizens to order, and preside until a warden shall have been qualified.

All ward officers whose election is provided for in this section shall be qualified according to law. The citizens of the territory by this act annexed to the city of Boston, shall have the same right to vote for municipal officers, at the annual municipal election of the city of Boston, in the year eighteen hundred and seventy-three as they would have had if said territory had formed part of the city of Boston for more than six months next before said election. Wards one, two and three of Charlestown, for all municipal purposes, shall be known as and called, respectively, wards twenty, twenty-one and twenty-two of Boston.

Citizens may vote for municipal officers of Boston in the year 1873.

Wards to be known as wards 20, 21 and 22.

SECTION 6. All provisions of law requiring an election of municipal and ward officers for said city of Charlestown, on the second Tuesday of December in the year eighteen hundred and seventy-three for the municipal year then next ensuing, are hereby repealed.

Repeal.

SECTION 7. Until alteration of the ward limits of said city of Boston, as provided by law, the common council

Two members of common council from each ward.

shall consist of the lawful number of members from each ward, and the territory hereby annexed shall be entitled to six members of said council, two from each ward.

Police officers and firemen of Charlestown to continue in the discharge of their duties.

SECTION 8. The several police officers and watchmen, the engineers and members of the fire department that may be in office in the city of Charlestown, when this act shall take effect, shall thereafter continue in the discharge of their respective duties, in the same manner as if they were police officers and watchmen, and engineers and firemen of the city of Boston, until others shall be appointed in their stead. The several justices of the peace, masters in chancery, and notaries-public, residing in Charlestown shall continue to act in their said capacities respectively, within the said territory of Charlestown, but their authority to act in their said capacities shall in no wise be increased or diminished during the terms of their commissions by virtue of any provisions of this act.

Interest of Charlestown in county property released to Middlesex.

Committee may be appointed by S. J. C. to determine if any payment should be made by Charlestown to Middlesex County.

SECTION 9. All the interest which said city of Charlestown now have in the public property of the county of Middlesex, is hereby released and acquitted to said county of Middlesex. If the county commissioners of the county of Middlesex, within six months after the acceptance of this act by said cities, as hereinafter provided, shall elect to apply to the justices of the supreme judicial court, sitting in either the county of Suffolk or of Middlesex, for the appointment of a committee of three disinterested persons to ascertain whether anything should, in justice and equity, be paid by said city of Charlestown to the county of Middlesex, towards the liquidation of its debts, in addition to the relinquishment of said city's share of the county property; then, on notice being given of the said application, such committee shall be appointed, who shall take an estimate of the county property, in which due allowance shall be made for any permanent expenditures that may have been incurred for the especial accommodation of said city of Charlestown, and shall also take an account of the county debts, and shall decide and report what sum, if anything, should be paid by either party to the other; and the report of said committee, when accepted by said court, shall be binding and conclusive, and whatever shall be found due, whether from or to the county of Middlesex, shall be paid to or by said city of Boston and said Charlestown, thus united. But if no such application be made by the said county commis-



sioners within said time, then the county of Middlesex shall not be required to make any allowance for the surplus value of the county property after the payment of the county debt.

SECTION 10. The volumes now in the registry of deeds office for the southern district of the county of Middlesex, containing the records exclusively relating to lands and estates within the territory so transferred, shall be deposited by the register for the southern district of said county in the registry of deeds office for said county of Suffolk, the same to be there kept and used in the same manner as the records of said county of Suffolk are kept and used.

Transfer of volumes in registry for southern district of Middlesex to registry for Suffolk.

SECTION 11. The territory so transferred, and the inhabitants thereon and their estates, shall be liable for all taxes already assessed and not paid; and also all city, county and state taxes that may be hereafter assessed on them by said city of Charlestown, and before this act shall take effect, in the same manner as they would have been liable if this act had not been passed. And the city treasurer and collector of said city of Charlestown are hereby respectively authorized to collect the same in the manner prescribed by law after this act shall take effect.

Liability for taxes.

SECTION 12. The two corporations holding trust funds in said city of Charlestown, one being the trustees of the Charlestown free schools, and the other the trustees of the poor's fund in the town of Charlestown, shall continue to manage their funds and disburse the income thereof according to the terms of their respective trusts. The members of the school committee within the present limits of Charlestown for the time being, shall be the corporation first above named; and the members of the two branches of the city council for the time being, residing in said present limits of Charlestown, shall, together with the senior deacons of the religious societies in said present limits of Charlestown, be the said trustees of the poor's fund.

Trustees to continue to manage school and poor funds according to the terms of their trusts.

The Charlestown public library, with all the books and documents which now or hereafter may belong thereto, shall be continued and kept within the present limits of said Charlestown; and it shall have the benefit of all gifts and legacies made heretofore or hereafter in its behalf. The trustees of the Charlestown public library shall hold their offices until the first Monday of May in the year

Public library.

eighteen hundred and seventy-four, or until the annual organization of the board of trustees of the Boston public library in that year. Thereafter it shall become a branch of the public library of Boston.

Mystic water board to be continued as a separate organization.

The Mystic water board of Charlestown shall be continued a separate organization under the direction of the city council of Boston, until the said city council shall determine to unite it with the Cochituate water board of Boston. The members of the Mystic water board shall hold their offices for the terms for which they were respectively elected; and all contracts made and liabilities incurred by the Mystic water board shall be assumed by the city of Boston.

Charters of Boston and Charlestown amended.

SECTION 13. The charter of the city of Boston, and the charter of the city of Charlestown, and the several acts passed in addition thereto, are amended so as to conform to the provisions of this act; and so much of the General Statutes and laws as may be inconsistent with this act is amended, so as not to apply to or repeal any of the provisions herein contained.

Obligation of contracts not impaired.

SECTION 14. Nothing contained in this act shall impair the obligation of contracts; and the property and inhabitants of the territory by this act annexed to the city of Boston shall continue liable to the existing creditors of the county of Middlesex, in like manner as if this act had not been passed: *provided*, that if any person, by reason of his being an inhabitant of or owning property in said territory shall be compelled to pay any existing debt or obligation of the county of Middlesex the amount of such payment shall constitute a debt to him from said county, as hereafter to be constituted, exclusive of said territory, and may be recovered in like manner as other debts against the county of Middlesex.

Proviso.

Act not to take full effect unless accepted by voters of Boston and Charlestown.

SECTION 15. This act shall not take full effect unless accepted by a majority of the legal voters of the city of Boston, present and voting thereon, by ballot, at meetings which shall be held in the several wards of said city of Boston; and also by a majority of the legal voters of the city of Charlestown, present and voting thereon, by ballot, at meetings which shall be held in the several wards of said city of Charlestown, upon notice duly given, at least seven days before the time of said meeting. Meetings for that purpose shall be held simultaneously in said cities, on the first Tuesday of October next; and the polls shall be

Meetings to be held on the first Tuesday of October, 1873.

opened at nine o'clock in the forenoon of said day, and shall be closed at six o'clock in the afternoon. In case of the absence of any ward officer at any ward meeting held in either city for the purpose aforesaid, a like officer may be chosen *pro tempore*, by hand vote, and shall be duly qualified and have all the powers, and be subject to all the duties of the regular officer at said meetings. Said ballots shall be "yes" or "no," in answer to the question, "Shall an act passed by the legislature of the Commonwealth in the year eighteen hundred and seventy-three, entitled an 'Act to unite the city of Charlestown with the city of Boston,' be accepted?" Such meeting shall be called, notified and warned by the mayor and aldermen of the city of Charlestown, and by the board of aldermen of the city of Boston, respectively, in the same manner in which meetings for the election of municipal officers in said cities, respectively, are called, notified and warned. The ballots given in shall be assorted, counted, and declared in the wards in which they are given, in open ward meeting in said cities, and shall also be registered in the ward records respectively. The clerk of each ward in the city of Boston, shall make return of all ballots given in, in his ward, and the number of ballots in favor of the acceptance of this act and the number of ballots against said acceptance, to the board of aldermen of the city of Boston, and like returns by the clerks of the several wards in the city of Charlestown shall be made to the mayor and aldermen of the city of Charlestown. All of said returns shall be made within forty-eight hours of the close of the polls.

It shall be the duty of the board of aldermen of the city of Boston, and of the mayor and aldermen of the city of Charlestown, to certify and return as soon as may be, the ballots cast in their respective cities, and the number of ballots cast in favor of the acceptance of this act and the number of ballots cast against such acceptance, in their respective cities, to the secretary of the Commonwealth. And if it shall appear that a majority of the votes cast in each of said cities, respectively, is in favor of the acceptance of this act, the said secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted; and, after such publication and declaration, it shall not be lawful for the city council of Charlestown, or of any board charged with the care of public property of said city, to contract any loan or to make any new appro-

Ward officers  
may be chosen  
*pro tempore*.

Ballots.

Manner of call-  
ing meetings.

Result of bal-  
loting to be  
recorded and  
returned.

Returns to be  
made to the  
secretary of the  
Commonwealth.

Secretary to  
publish certi-  
cate if a major-  
ity of votes is  
cast in favor of  
acceptance.

priation of money, or to disburse any money except in accordance with appropriations and orders legally made before the acceptance of this act, unless the same shall first be approved by the mayor and the board of aldermen of Boston.

Portion of act to take effect upon its passage.

SECTION 16. So much of this act as authorizes and directs the submission of the question of the acceptance of this act to the legal voters of said cities respectively, provided in the fifteenth section of this act, shall take effect upon its passage.

To take effect Nov. 12, 1873, if accepted.

SECTION 17. If this act shall be accepted by said cities, as herein provided, it shall take effect on the twelfth day of November, in the year eighteen hundred and seventy-three, so far as to authorize, legalize and carry into effect the acts and provisions of the fifth, sixth and seventh sections of this act, but for all other purposes (except as mentioned in section sixteen of this act) it shall take effect on the first Monday of January, in the year eighteen hundred and seventy-four.

Proceedings in case S. J. C. declare the balloting to be void.

SECTION 18. If any election or balloting upon the question of the acceptance of this act, by either of said cities, shall within two months thereafter be declared void by the supreme judicial court, upon summary proceedings, which may be had in any county on the petition of fifty voters of either city, the question of accepting said act shall be again submitted to the legal voters of said city; and meetings therefor shall within thirty days thereafter be called, held and conducted, and the votes returned and other proceedings had thereon, in like manner as herein before provided. But no election or balloting shall be held void for informality in calling, holding or conducting the election, or returning the votes or otherwise, except upon proceedings instituted therefor and determined within sixty days thereafter, as aforesaid. *Approved May 14, 1873.*

## *Ch.* 287. AN ACT TO AUTHORIZE THE CITY OF BOSTON TO BUILD AN ADDITIONAL RESERVOIR.

*Be it enacted, &c., as follows:*

May construct a reservoir at Parker Hill.

SECTION 1. The city of Boston, by and through the agency of the Cochituate water board therein, or by and through any other agency which shall be established therefor by the city council of said city, may construct and maintain an additional reservoir for receiving, holding and distributing water; and for this purpose, may take and hold, by purchase or otherwise, any real estate

not exceeding five acres at or near the summit of Parker Hill, so called, in ward fifteen in said city.

SECTION 2. The city of Boston may also, by and through the same agency, lay and maintain one or more suitable lines of pipes from the said reservoir to a convenient point in Fisher Avenue, so called, and from said point along said Fisher Avenue to Parker Street in said city; and may take and hold, by purchase or otherwise, such real estate as may be necessary therefor; and may carry and conduct the said pipes over or under any water-course, or any street, turnpike road, railroad, highway, or other way, in such manner as not to unnecessarily obstruct or impede travel thereon; and may enter upon and dig up any such road, street or way, for the purpose of laying the said pipes and for maintaining and repairing the same.

May lay pipes, and enter upon and dig up streets.

SECTION 3. The city of Boston shall be liable to pay all damages sustained by any persons in their property, by the taking of any real estate as aforesaid, or by any of its doings under this act; and in regard to such taking, and the ascertainment and payment of all such damages, the city of Boston, and all persons claiming damages, shall have all the rights, immunities and remedies, and be subject to all the duties, liabilities and obligations which are provided in the one hundred and sixty-seventh chapter of the acts of the year eighteen hundred and forty-six, the one hundred and eighty-seventh chapter of the acts of the year eighteen hundred and forty-nine, and the three hundred and sixteenth chapter of the acts of the year eighteen hundred and fifty.

Liability for damages.

SECTION 4. For the purpose of defraying all the costs and expenses of such real estate as shall be taken, purchased or held for the purposes mentioned in this act, and of constructing said reservoir, laying said pipes, and doing all other things incident thereto, the said city council may issue, from time to time, notes, scrip or certificates of debt, to such an amount as may be necessary, and in such form, on such length of time, and bearing such rate of interest, not exceeding six per centum per annum, as they shall deem expedient.

May issue scrip at six per cent. interest.

SECTION 5. This act shall take effect upon its passage.

*Approved May 14, 1873.*

**Ch. 288.** AN ACT TO AMEND AN ACT RELATING TO BETTERMENTS.*Be it enacted, &c., as follows :*Amendment to  
1871, 352, § 7.

SECTION 1. Section seven of chapter three hundred and eighty-two of the acts of the year eighteen hundred and seventy-one is amended by striking out the words "at any term thereof" and inserting in place thereof the words "filed in term time or in the clerk's office in vacation."

SECTION 2. This act shall take effect upon its passage.

*Approved May 14, 1873.***Ch. 289.** AN ACT CONCERNING THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY.*Be it enacted, &c., as follows :*Organization  
confirmed and  
ratified.

SECTION 1. The proceedings of the holders of the bonds secured by mortgage, dated March nineteen, eighteen hundred and sixty-six, from the Boston, Hartford and Erie Railroad Company to Robert H. Berdell and others, whereby they have formed a corporation under the name of the New York and New England Railroad Company, are ratified and confirmed; and said New York and New England Railroad Company is declared, made and confirmed a body corporate by that name, and vested with all the franchises, powers and privileges and subject to all the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force, relating to railroad corporations.

Capital stock  
and shares.

SECTION 2. The capital stock of said company shall not exceed two hundred thousand shares of one hundred dollars each; and the same may be issued to the holders of said bonds upon the surrender thereof to said corporation as provided in said mortgage, at the rate of ten shares for every bond of one thousand dollars so surrendered. At all meetings of said corporation each stockholder shall be entitled to one vote for each share of stock held by him.

May take a  
conveyance of  
franchise, &c.,  
from the trust-  
ees under the  
mortgage.

SECTION 3. Said corporation, upon paying and indemnifying the trustees under said mortgage for their services and liabilities as set forth in said mortgage, may take a conveyance by deed from the trustees under said mortgage of all the railroads, property, premises, estate and franchises held by them under said mortgage, as is therein provided; and thereupon all the rights, powers and franchises heretofore granted to or held by the Boston, Hartford and Erie Railroad Company shall enure to and vest in said New York and New England Railroad Company.

SECTION 4. For the purpose of enabling said corporation to take up and discharge any and all liens and incumbrances existing upon said railroads and upon any portion thereof, and to perfect its title therein, to complete said railroads, to purchase and provide terminal facilities and to properly equip and maintain said roads, said New York and New England Railroad Company may mortgage its railroads, property and franchises in a sum not exceeding ten millions of dollars, the bonds secured by said mortgage to be payable at not exceeding fifty years from their date, and to bear interest not exceeding seven per centum per annum, and to be made payable in federal or sterling currency as said corporation may elect.

May mortgage property for purpose of discharging liabilities, &c., and completing railroad.

SECTION 5. For the purpose of increasing the terminal facilities of said railroad in Boston, said corporation may, within one year from the passage of this act, take or purchase, hold and use, as hereinafter set forth, the following described parcels of land and flats, or any portion thereof, namely: in Boston, that parcel of land and flats bounded as follows:—beginning at the south-east corner of Broad Street and Congress Street extended as contemplated to form Eastern Avenue, and running by the south-easterly side of Broad and Federal Streets to the south line of Curtis or Winsor's wharf, so called, and thence by said south line to the commissioners' line, and thence by said commissioners' line to said Eastern Avenue as projected, and by said Eastern Avenue to the point of beginning; with the right to construct suitable approaches, for the use of said railroad, from the present location of said road to any property acquired under the above provisions: *provided*, that said approaches shall not interfere with the present draw in Fort Point Channel, or with the access to any property not taken or owned by said railroad company, and that they be constructed upon piles wherever outside of the commissioners' line, and subject to all general laws applicable to the building of structures in tide-water. In that part of said Boston called South Boston, that parcel of land and flats bounded as follows:—beginning at the corner of B Street extended and First Street, thence running by B Street extended to Eastern Avenue, as the same now is or may hereafter be laid out, thence by said Eastern Avenue westerly to the commissioners' line on Fort Point Channel, and thence by said commissioners' line to a point five hundred feet south of the centre of the intersection of

May take land and flats in Boston for purpose of increasing terminal facilities.

Proviso.

Proviso.

Not to take any land belonging to the Boston & Albany R. R.

Three commissioners to be appointed by S. J. C. to adjudicate damages for taking lands.

the present location of said road with said commissioners' line, thence by a straight line parallel to Mount Washington Avenue to the easterly side of A Street extended, as the same now is or may hereafter be laid out; and thence by A Street extended to First Street, and thence by First Street to the point of beginning: *provided*, that the said railroad company are not hereby authorized to take any part of the land within the limits of A Street as located by the city of Boston, or conveyed to the said city by the Boston Wharf Company or of the extension of the same to Eastern Avenue; but the said street may be crossed by the tracks of the said railroad company in such places and to such extent as shall not prevent the use of the same for public travel as a highway; and also, that no land or flats belonging to the Commonwealth shall be taken by said corporation under this act, except by purchase from the Commonwealth in the manner provided by existing provisions of law, and that nothing herein shall be construed to limit the powers of the harbor commissioners and the governor and council under chapter three hundred and twenty-six of the acts of the year eighteen hundred and sixty-eight and all acts in addition to the same; and *provided, also*, that nothing contained in this act shall be construed to authorize said corporation to take any land belonging to or purchased by the Boston and Albany Railroad Company, or to limit or interfere with the exercise of the powers or authority given to said last-named corporation by chapter four hundred and sixty-one of the acts of eighteen hundred and sixty-nine and chapter three hundred and sixty-eight of the acts of eighteen hundred and seventy.

SECTION 6. All general laws relating to the taking of land for railroad purposes, and the location and construction of railroads, shall be applicable to and govern the proceedings in the taking of said lands, except that instead of the county commissioners three disinterested persons shall be appointed by the supreme judicial court, on proper application, as a board of commissioners, to adjudicate the damages for the taking of the same, from whose decision an appeal to a jury shall lie, on behalf of either party, as is provided in case of lands taken for railroad purposes. And like proceedings shall be had before said commissioners for the purpose of ascertaining, securing and obtaining payment of damages as are provided by the General Statutes



upon an application to county commissioners in like cases, except that warrants of distress to compel payment of damages shall be issued by the supreme judicial court.

SECTION 7. This act shall take effect upon its passage.

*Approved May 15, 1873.*

AN ACT TO UNITE THE CITY OF BOSTON AND THE TOWN OF BROOKLINE. *Ch.* 290.

*Be it enacted, &c., as follows:*

SECTION 1. All the territory now comprised within the limits of the town of Brookline, in the county of Norfolk, with the inhabitants and estates therein, is annexed to and made part of the city of Boston, in the county of Suffolk, and shall hereafter constitute a part of the county of Suffolk, subject to the same municipal regulations, obligations and liabilities, and entitled to the same immunities in all respects as the said city of Boston: *provided, however,* that until constitutionally and legally changed, said territory, including any part of the city of Boston which has been set off from Brookline since the last census, shall continue to be, for the purpose of electing members of the house of representatives, part of the county of Norfolk, constituting the fifteenth representative district thereof; for the purpose of electing a senator, part of the first Norfolk senatorial district; for the purpose of electing a councillor, part of the third council district; and for the purpose of electing a representative in congress said territory shall continue to be part of congressional district number eight, as the same is now constituted.

Brookline annexed to Boston, and to become part of Suffolk County.

Proviso.

Election of members of the legislature, councillor and member of congress.

All the duties now required by law to be performed by the selectmen and town clerk of said town, or either of them, pertaining to the election of representatives in congress, state councillors, senators and members of the house of representatives, shall in like manner devolve upon and be performed by the board of aldermen and city clerk of the said city.

Duties of selectmen, town clerk and ward officers.

It shall be the duty of the ward officers of the ward, erected out of said territory as hereinafter provided, to make to the city clerk of said city a return of all votes that may be cast therein, from time to time, for representatives in congress, state councillors, senators, members of the house of representatives, and for all other national, state, district, county, municipal and ward officers.

Public property  
of Brookline to  
be vested in city  
of Boston.

Treasurer of  
Brookline to de-  
liver property  
and books to  
city treasurer of  
Boston.

Public library in  
Brookline to be  
continued.

Jurisdiction of  
courts.

SECTION 2. All the public property of said town shall be vested in and is declared to be the property of said city; and said city shall succeed to all the rights, claims, causes of action, rights to uncollected taxes, liens, uses, trusts, duties, privileges and immunities of said town. The town treasurer of said town, on or before the second Monday of January, in the year eighteen hundred and seventy-four, under the direction of the selectmen of said town, who shall for this purpose, and for all other purposes necessary to carry into full effect the provisions of this act, continue to hold their offices, shall transfer, deliver, pay over and account for to the city treasurer of said city, all books, papers, moneys and other property in his possession as town treasurer of said town when this act takes effect; and said city shall become liable for and subject to all the debts, obligations, duties, responsibilities and liabilities of said town. All actions and causes of action which may be pending, or which shall have accrued at the time this act takes effect, in behalf of or against said town, shall survive, and may be prosecuted to final judgment and execution in behalf of or against said city. The Brookline Public Library with the books and documents which now or hereafter may belong thereto shall be continued and kept within the present limits of said Brookline; and it shall have the benefit of all gifts and legacies heretofore or hereafter made in its behalf. The trustees of the Brookline Public Library shall hold their offices until other provision for the care and management thereof is made by the city of Boston.

SECTION 3. The several courts within the county of Suffolk, except the municipal court for the southern district of the city of Boston, after this act takes effect, shall have the same jurisdiction over all causes of action and proceedings in civil causes, and over all matters in probate and insolvency, which shall have accrued within said territory hereby annexed, that said courts now have over like actions, proceedings and matters within the county of Suffolk: *provided*, that the several courts within the county of Norfolk shall have and retain jurisdiction of all actions, proceedings and matters that shall have been rightfully commenced in said courts prior to the time when this act takes effect; and the supreme judicial court and the superior court within the county of Suffolk, after this act takes effect, shall have the same jurisdiction of all

crimes, offences and misdemeanors that shall have been committed within the said territory, that the supreme judicial court and superior court within the county of Norfolk now have; but if before this act takes effect proceedings shall have been commenced in any of the courts within the county of Norfolk, for the prosecution of said crimes, offences and misdemeanors, the said courts within the county of Norfolk shall have and retain jurisdiction of the same for the full, complete and final disposition thereof. All suits, actions, proceedings, complaints and prosecutions; and all matters of probate and insolvency which shall be pending within said territory, before any court or justice of the peace, when this act takes effect, shall be heard and determined as though this act had not passed.

SECTION 4. Said territory shall be added to, and constitute a part of the judicial district under the jurisdiction of the municipal court of the city of Boston. Said court shall have the same civil and criminal jurisdiction in said territory as it now has by law in its district as it now exists.

To constitute a part of the district of the municipal court of Boston.

SECTION 5. The said territory shall constitute a ward of the city of Boston, to be called ward eighteen, and shall so remain until the alteration of the ward limits of the city of Boston, provided by law. And the ward so established shall be entitled to all the municipal and ward officers to which each of the other wards of said city is entitled, except as hereinafter provided,

To constitute the eighteenth ward of Boston.

SECTION 6. If this act shall be accepted as hereinafter provided, said territory shall, after the fourth day of November, in the year eighteen hundred and seventy-three, constitute a ward of said city, to be called ward eighteen for all the purposes mentioned in this section and in section seven of this act. And the board of aldermen of said city, shall, in due season, issue their warrant for a meeting of the legal voters of said ward, to be held on the second Monday of December, in the year eighteen hundred and seventy-three, at some place within said ward, which shall be designated in said warrant, there first to choose a warden, clerk and five inspectors of elections for said ward, who shall hold their offices until the first Monday of January, in the year eighteen hundred and seventy-four, and until others shall be chosen and qualified in their stead; second, to give in their ballots for the several municipal and ward officers for the year

Ward officers to be elected.

eighteen hundred and seventy-four, for which they shall be entitled to vote by virtue of the provisions of this act.

School committee.

The term of office of the school committee men heretofore chosen in said town shall expire on the first Monday of said January, and there shall be chosen at the election provided for in this section, three persons who shall be members of the school committee of the city of Boston, one for three years, one for two years, and one for one year; and thereafter all vacancies shall be filled as other vacancies in the school committee in the city of Boston are now by law filled.

The board of aldermen of said city shall prepare lists of all the legal voters in said ward, to be used at said meeting, and shall do all other things which they are now by law required to do in respect to like elections in other wards of said city; and at said meeting, any legal voter of said ward may call the citizens to order, and preside until a warden is chosen and qualified. All ward officers whose election is provided for in the preceding section, shall be qualified according to law. The citizens of said territory shall have the same right to vote for municipal officers, at the annual municipal election in said city, in the year eighteen hundred and seventy-three, as they would have had, if said territory had formed part of said city for more than six months next before said election.

Citizens may vote for municipal officers of Boston in 1873.

Two additional members of the common council to be elected.

SECTION 7. After the present municipal year the board of aldermen of the city of Boston shall consist of twelve members, and the common council of said city shall consist of the same number now by law provided for, and in addition thereto, two members to be chosen in and for the ward herein provided for, until a new division of the wards of said city shall be made.

Police officers, engineers and firemen to continue in office.

SECTION 8. The several police officers, watchmen, fire engineers and firemen in office in said town of Brookline when this act takes effect, shall thereafter continue in the discharge of their respective duties, in the same manner as if they were police officers, watchmen, fire engineers and firemen of said city, until others are appointed in their stead.

Interest in county property released to Norfolk County.

SECTION 9. All the interest which said town now has in the public property of the county of Norfolk is released and acquitted to said county of Norfolk. Such portion of the debts and obligations of the county of Norfolk, existing when this act takes full effect, over and above the

value of all the property belonging to said county as should proportionally and equitably be paid by the inhabitants and property owners of said territory by this act annexed to said city, shall be paid by said city to said county of Norfolk; and the supreme judicial court shall have jurisdiction in equity to determine the amount, if any, and enforce the payment of the same upon a suit in equity, in the name of said county, to be brought therefor within six months after this act goes into full operation, by the county commissioners of said county of Norfolk, if they deem such suit for the interest of said county; but no such suit shall be instituted after said six months.

Nothing contained in this act shall impair the obligation of contracts; and the property and inhabitants of said territory shall continue liable to the existing creditors of the county of Norfolk, in like manner as if this act had not been passed: *provided*, that if any person, by reason of his being an inhabitant of, or owning property in said territory, shall be compelled to pay any part of an existing debt or obligation of the county of Norfolk, the amount of such payment shall constitute a debt to him from said county, as hereafter to be constituted, exclusive of said territory, and may be recovered in like manner as other debts against the county of Norfolk.

Obligation of contracts not to be impaired.

Proviso.

SECTION 10. This act shall not take full effect unless accepted by a majority of the legal voters of the city of Boston present and voting thereon by ballot, at meetings which shall be held in the several wards of said city, and also by a majority of the legal voters of the town of Brookline present and voting thereon, by ballot, at a meeting which shall be held in said town. All said meetings shall be held simultaneously on the first Tuesday of October of the present year; and upon notice thereof duly given at least seven days before the time of said meetings, and the polls shall be opened at nine o'clock in the forenoon of said day, and shall be closed at six o'clock in the afternoon. In case of the absence of any ward officer at any ward meeting in said city, held for the purpose aforesaid, or of any of the selectmen, or of the town clerk at any meeting in said town held for said purpose, a like officer may be chosen, *pro tempore*, by hand vote, and shall be duly qualified and shall have all the powers, and be subject to all the duties, of the regular officer at said

Not to take full effect unless accepted by a majority of voters of Boston and Brookline.

Meetings to be held on the first Tuesday of October, 1873.

Ward officers may be chosen *pro tempore*.

meetings. Said ballots shall be "yes" or "no" in answer to the question, "Shall an act passed by the legislature of this Commonwealth in the year eighteen hundred and seventy, entitled 'An Act to unite the city of Boston and the town of Brookline,' be accepted?" Such meeting in said town shall be called, notified and warned by the selectmen of said town in the same manner in which meetings for the election of town officers in said town are called, notified and warned; and such meeting in the city of Boston shall be called, notified and warned by the board of aldermen of said city in the same manner in which meetings for the election of municipal officers in said city are called, notified and warned.

Result of balloting to be recorded and returned.

The ballots shall be assorted, counted and declared in the ward meetings in which they are given in the city of Boston, in open ward meeting, and shall be registered in the ward records; and in the town of Brookline the ballots shall be assorted, counted and declared in open town meeting, and shall be recorded upon the records of the town. The clerk of each ward in the city of Boston shall make return of all ballots in favor of the acceptance of this act, and the number of ballots against said acceptance, to the board of aldermen of said city, said returns to be made within forty-eight hours of the close of the polls.

Returns to be made to the secretary of the Commonwealth.

It shall be the duty of the board of aldermen of said city to certify as soon as may be the number of ballots cast in said city, and the number of ballots cast in favor of the acceptance of this act, and the number of ballots cast against said acceptance, to the secretary of the Commonwealth.

The selectmen and town clerk of the town of Brookline shall, as soon as may be, make a like return of the ballots cast in said town, and the number of ballots cast in favor of acceptance of this act, and the number of ballots cast against said acceptance, to the secretary of the Commonwealth.

Secretary to publish certificate, if majority of votes cast in favor of acceptance.

And if it shall appear that a majority of the votes cast in said city, and a majority of the votes cast in said town, respectively, are in favor of the acceptance of this act, the said secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

Part of act to take effect upon its passage.

SECTION 11. So much of this act as authorizes and directs the submission of the question of acceptance of this

act to the legal voters of said city and said town, respectively, provided for in the tenth section of this act, shall take effect upon its passage.

SECTION 12. If this act shall be accepted as herein provided, it shall take effect on the twelfth day of November, in the year eighteen hundred and seventy-three, so far as to authorize, legalize and carry into effect the acts and provisions of the sixth and seventh sections of this act; but for all other purposes, (except as mentioned in section eleven of this act,) it shall take effect on the first Monday of January, in the year eighteen hundred and seventy-four.

*Approved May 16, 1873.*

When to take effect, if accepted.

AN ACT TO AUTHORIZE THE COMMISSIONERS ON PUBLIC LANDS TO GIVE DEEDS IN CERTAIN CASES.

*Ch. 291.*

*Be it enacted, &c., as follows:*

SECTION 1. When it shall appear to the commissioners on public lands, that any bond given by them for the conveyance of any land of the Commonwealth has been lost or destroyed, said commissioners may, with the approval of the governor and council, give a deed of said land: *provided*, the payments on the same have been fully made.

Commissioners may give deed of public land, when bond for the conveyance is lost.

SECTION 2. This act shall take effect upon its passage.

*Approved May 16, 1873.*

AN ACT TO AMEND THE GENERAL STATUTES RELATING TO TEACHERS' INSTITUTES, THE DUTIES OF SCHOOL COMMITTEES, AND THE ATTENDANCE OF CHILDREN IN THE PUBLIC SCHOOLS.

*Ch. 292.*

*Be it enacted, &c., as follows:*

SECTION 1. Section two of chapter thirty-five of the General Statutes is amended so that four thousand dollars may be expended for teachers' institutes, instead of three thousand dollars as provided in said section.

Four thousand dollars may be expended for teachers' institutes.  
G. S. 35, § 2.

SECTION 2. Section twenty-six of chapter thirty-eight of the General Statutes is amended to read as follows: The school committee, or some one or more of them, for the purpose of organizing and making a careful examination of the schools, and of ascertaining that the scholars are properly supplied with books, shall visit all the public schools in the town on some day during the first week after the opening of such schools, and also on some day during the two weeks preceding the close of the same; and shall also for the same purposes visit, without giving previous notice thereof to the instructors, all the public schools in the town once in a month, and they shall, at

such examinations, inquire into the regulation and discipline of the schools, and the habits and proficiency of the scholars.

SECTION 3. School committees, in addition to the duties set forth in section twenty-eight of chapter thirty-eight of the General Statutes, shall prescribe, as far as is practicable, a course of studies and exercises to be pursued in the public schools.

SECTION 4. Section seven of chapter forty-one of the General Statutes is amended so that children, without limitation as to age, may attend school in cities and towns other than those in which their parents or guardians reside.

SECTION 5. This act shall take effect upon its passage.

*Approved May 16, 1873.*

**Ch. 293.** AN ACT TO AUTHORIZE THE BOSTON AND ALBANY RAILROAD COMPANY TO CHANGE THE LOCATION OF ITS RAILROAD IN THE TOWNS OF RUSSELL AND MONTGOMERY.

*Be it enacted, &c., as follows:*

May change location of road in Russell and Montgomery.

SECTION 1. The Boston and Albany Railroad Company may change the location of its railroad in the towns of Russell and Montgomery, beginning at or near station eight hundred and sixty-four and ninety-six one-hundredths of the original location of the Western Railroad, in the town of Russell, and about eighteen hundred feet southerly of the bridge across the Westfield River, south of Russell depot, and running thence on the easterly side of said Westfield River, to a point at or near station nine hundred and forty-six and fifty one-hundredths of said original location, and about six hundred feet westerly of the bridge across said river, known as "Tuttle Bend Bridge." Said new location shall be filed within one year from the passage of this act.

May abandon original location of road.

SECTION 2. The said corporation may abandon said original location between the points indicated in the preceding section, together with the present depots at Russell.

To build new station in Russell, and construct a bridge across Westfield River.

SECTION 3. The provisions of the foregoing sections are upon the condition that said railroad company shall build and maintain a new station on the easterly side of said river in said Russell, and as nearly as practicable opposite the present station, and shall construct a bridge with suitable approaches thereto across said river for the public travel, in such place as shall furnish a convenient



and direct communication between the present highway on the westerly side of said river and said new station; said bridge and its approaches to be built within fifteen days from the abandonment of the present station, of such plan and materials as shall be ordered by and to the acceptance of the county commissioners for the county of Hampden; and said bridge and its approaches shall thereupon become a county road.

SECTION 4. This act shall take effect upon its passage.

*Approved May 16, 1873.*

AN ACT TO CONFIRM THE PROCEEDINGS OF THE NORTH BENNET STREET FREE-WILL BAPTIST SOCIETY OF BOSTON.

*Ch. 294.*

*Be it enacted, &c., as follows:*

SECTION 1. The North Bennet Street Free-Will Baptist Society, of Boston, within one month, may file with the clerk of the city of Boston, an attested copy of the record of the proceedings had in the organization of said society, in the year eighteen hundred and fifty, and the filing as aforesaid shall have the same effect as to the legality of said organization, and the acts and proceedings of said society, as if the same had been done in accordance with the statutes heretofore existing in relation to the organization of religious societies.

Proceedings confirmed.

SECTION 2. This act shall take effect upon its passage.

*Approved May 16, 1873.*

AN ACT TO INCORPORATE THE TRUSTEES OF THE METHODIST EPISCOPAL CHURCH IN WINCHENDON, AND FOR OTHER PURPOSES.

*Ch. 295.*

*Be it enacted, &c., as follows:*

SECTION 1. William Taylor, William S. Woodcock, Aaron Winch, Eleazer P. Weston, William Wilder, Jedediah Morse, Edward Loud and Abraham Pierce, trustees of the Methodist Episcopal Church in Winchendon, and their successors in office, elected in conformity to the discipline of the Methodist Episcopal Church in the United States, are made a corporation in said Winchendon, by the name of the "Trustees of the Methodist Episcopal Church in Winchendon," with the powers, privileges, duties and liabilities, set forth in general laws now or hereafter in force so far as the same may be applicable.

Corporators.

Name and purpose.

SECTION 2. The deed of Merritt Hale and Lincoln Raymond to such trustees, dated January twenty-fifth, eighteen hundred and seventy-three, is confirmed and made valid to convey the estate therein described.

Deed to trustees confirmed.

Trustees may  
sell estate at  
public or private sale.

SECTION 3. Said trustees may sell said estate at public or private sale, and convey the same, free and discharged of all trusts; and, after paying the pew owners for their rights therein according to an appraisal to be made before such sale by three disinterested persons, appointed by said trustees, may use the balance of the proceeds of the sale for the purchase of other land and buildings in Winchendon, to be held in trust for the use of said church as a place of public worship in accordance with the discipline of the Methodist Episcopal Church in the United States.

*Approved May 16, 1873.*

**Ch. 296.** AN ACT TO AUTHORIZE CHARLES P. STICKNEY AND JOSEPH A. BOWEN TO EXTEND THEIR WHARF IN FALL RIVER.

*Be it enacted, &c., as follows:*

May extend  
wharf in Fall  
River.

SECTION 1. License is granted to Charles P. Stickney and Joseph A. Bowen to extend their wharf in Fall River from the present outer line of the same, on Fall River Creek, westerly toward the channel of Taunton Great River, not exceeding sixty feet in length and one hundred feet in width, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved May 16, 1873.*

**Ch. 297.** AN ACT IN RELATION TO ATTACHMENTS OF REAL ESTATE.

*Be it enacted, &c., as follows:*

When attachment of real estate on mesne process is made in Suffolk, copy of writ to be deposited in registry of deeds.

SECTION 1. In the county of Suffolk when an attachment of real or leasehold estates on mesne process is made, the copy of the original writ and officer's return now by law provided to be deposited in the office of the clerk of the supreme judicial court for the county of Suffolk, shall hereafter be deposited in the registry of deeds for said county. All the powers and duties relative thereto now vested in or to be performed by said clerk, shall be vested in and performed by the register of deeds for said county, and with like effect. All the provisions of law relating to the deposition of such copy and officer's return in the office of said clerk, shall be applicable to the deposition of the same in the office of the said register under this act. The provisions of this section shall apply also to the levy of executions in cases under chapter one hundred and ninety of the acts of the year eighteen hundred and sixty-two.

Provisions to  
apply to levy of  
executions.

SECTION 2. Where it appears of record in the court where a suit is pending in which an attachment of real estate in the county of Suffolk has been made, that the attachment has been dissolved, it shall be the duty of the clerk of the court to forward to the register of deeds for said county, a certificate of the fact of such dissolution and how the dissolution was made, and the register shall file such certificate with the copy of the original writ, and also make a record thereof in his docket of attachments.

Clerk of court to notify register when an attachment has been dissolved.

SECTION 3. Registers of deeds and clerks of courts shall perform the same duties with regard to the filing and recording of copies of writs and other papers, in suits originating in the courts of the United States and affecting the title to real estate by attachment or otherwise, that they are now or may hereafter be authorized to perform with regard to the filing and recording of such papers in such suits originating in the courts of this Commonwealth.

Duties of registers and clerks with regard to papers in suits in U. S. courts.

SECTION 4. This act shall take effect on the first day of July next.

*Approved May 19, 1873.*

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVENTY-ONE OF THE LAWS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-TWO, RELATING TO THE REGULATION AND INSPECTION OF BUILDINGS IN THE CITY OF BOSTON, AND FOR OTHER PURPOSES.

*Ch. 298.*

*Be it enacted, &c., as follows:*

SECTION 1. Section one of chapter three hundred and seventy-one of the laws of the year eighteen hundred and seventy-two is amended by adding the following at the end thereof:—

Amendment to 1872, 371, § 1.

"The amount of materials above specified for external walls, may be used either in piers or buttresses: *provided*, the external walls between said piers or buttresses shall in no case be less than twelve inches thick. If adjoining owners, instead of a party-wall, shall each at the same time erect a wall on his own land, such walls may be twelve inches each in thickness, to such height as they shall be contiguous."

SECTION 2. Section five of said act is amended by striking out the words "into the backing," and substituting therefor the words "with Flemish header or"; also by striking out the words "and shall not be built to a greater height than prescribed for twelve-inch walls," and substituting therefor the words "and each stone of said ashlar work shall be securely tied to the backing by one or more suitable metal anchors."

Amendment to 1872, 371, § 5.

Amendment to  
1872, 371, § 6.

SECTION 3. Section six of said act is amended by inserting after the words "wooden columns," the words "or brick piers"; also by striking out all after the words "footing course," and substituting therefor the words, "or leveller for each column not less than three feet six inches square, and one foot six inches thick. If the girders resting on said columns are entirely of wood, said columns shall not be more than twelve feet apart on the line of the girders."

Amendment to  
1872, 371, § 7.

SECTION 4. Section seven of said act is amended by striking out all words after the words "commonly used except" to and including the words "ends of the same," and substituting therefor the words "arch-forms for interior arched openings."

Amendment to  
1872, 371, § 8.

SECTION 5. Section eight of said act is amended by striking out all after the words "wet when laid," and substituting therefor the following:—

"Isolated brick piers under all lintels, girders, iron or other columns shall have a cap-iron at least two inches thick, or a granite cap-stone at least twelve inches thick, the full size of the pier. In the case of an external brick pier, the plate may be reduced sufficiently in size to allow four inches of brickwork to intervene between the edge or edges of the plate and the face or faces of the pier exposed to the weather. Columns supported by brick walls or piers, shall rest upon an iron plate at least two inches thick, or upon a granite cap-stone at least twelve inches thick, of a size satisfactory to the inspector of buildings. Under iron columns shall in all cases be an iron plate of not less than one and one-half inches in thickness."

Amendment to  
1872, 371, § 13.

SECTION 6. Section thirteen of said act is hereby amended by substituting the following words therefor:

"In any building hereafter to be erected, to be occupied as a tenement or lodging-house, in which the lower part is intended to be used for business or manufacturing purposes of any kind, or which is intended to be occupied by more than four families, the hall partitions from the cellar to the second floor shall be built of brick."

Amendment to  
1872, 371, § 16.

SECTION 7. Section sixteen of said act is amended by adding to said section the words "and no woodwork shall be placed on the outside thereof."

Amendment to  
1872, 371, § 18.

SECTION 8. Section eighteen of said act is hereby amended by striking out the words "or engine," wherever they occur.

Buildings not to  
be made more  
than eighty feet

SECTION 9. All buildings hereafter erected or increased in height, except churches and grain elevators,

shall not exceed a height greater than eighty feet to the highest point from the level of the side walk, exclusive of chimneys and party-walls above the roof: *provided, however*, that an additional height may be added, if said addition shall be constructed in a fire-proof manner, as herein named, to wit:—All joists, beams, rafters, purlines, jack-rafters, plates, studs, ties and arches, shall be made of cast or wrought iron, or some other metal, stone, brick, cement, mortar, or other incombustible material, and covered with corrugated iron, sheet or cast iron, tin, copper, zinc or other metal, or slate, stone, brick, cement, mortar or other incombustible material. All structures or projections above or outside of the roof, such as domes, cupolas, pavilions, towers, spires, pinnacles, buttresses, lantern louvres, luthern or dormer windows, skylights, scuttles, ventilators, cornices and gutters, shall be made, constructed, framed and covered with cast or wrought iron, tin, copper, zinc or other metal, or stone, slate, brick, cement or mortar, or other incombustible material. Section twenty of said act is hereby repealed.

in height, except churches and grain elevators.

SECTION 10. Section twenty-three of said act is hereby amended by inserting after the words "shall erect or alter any building or structure in the city of Boston, in violation of any or either of the provisions of this act, of the act of which this act is an amendment, or of any amendment thereof," the words "or in violation of any ordinance enacted by the city council of the city of Boston, under authority given it by chapter two hundred and eighty of the laws of the year eighteen hundred and seventy-one, or of any law or laws in addition thereto or amendment thereof."

Repeal of 1872, 371, § 20.

Amendment to 1872, 371, § 23.

SECTION 11. If any building or parts of a building, staging or other structure, or anything attached to or connected with any building or other structure in the city of Boston, shall from any cause be reported dangerous or unsafe, so as to endanger life and limb, it shall be the duty of the inspector of buildings to inspect such structure, and if, in his opinion, the same be dangerous, he shall immediately notify the owner, agent or other party having an interest in said structure, to cause the same to be made safe and secure, or removed, as may be necessary.

Inspectors of buildings to inspect buildings reported to be dangerous or unsafe.

SECTION 12. The person or persons so notified shall be allowed until twelve o'clock noon of the day following the service of such notice, in which to commence the

Building to be made safe or be removed as soon as possible.

Proviso.

securing or removal of the same; and he or they shall employ sufficient labor to remove or secure the same as expeditiously as can be done: *provided, however*, that in cases where the public safety requires immediate action, the inspector of buildings may enter upon the premises with such workmen and assistants as may be necessary, and cause the said unsafe structure to be shored up, taken down, or otherwise secured, without delay, and a proper fence or boarding to be put up for the protection of passers-by.

If owner neglects to comply with requirements of notice, a careful survey shall be made.

SECTION 13. If the owner, agent, or other party interested in said unsafe structure, having been notified, shall refuse or neglect to comply with the requirements of said notice within the time specified in section ten, then a careful survey of the premises named in said notice shall be made by three disinterested persons, one to be appointed by the inspector of buildings, one by the owner or other interested party, and the third chosen by these two, and the report of such survey shall be reduced to writing, and a copy served upon the owner or other interested party; and if said owner or other interested party refuse or neglect to appoint a member of said board of survey, then the survey shall be made by the city engineer and the chief engineer of the fire department of Boston, and in case of disagreement they shall choose a third person

If the report declares that the structure is unsafe the inspector shall take it down.

SECTION 14. Whenever the report of any such survey had as aforesaid, shall declare the structure to be unsafe or dangerous to life or limb, the inspector of buildings shall, upon continued refusal or neglect of the owner or other interested party, cause such unsafe or dangerous structure to be taken down or otherwise made safe; and the costs and charges shall become a lien upon said estate, to be collected according to law, but without prejudice to the right which the owner thereof may have to recover the same from any lessee or other person liable for the expense of repairs: *provided*, that nothing herein contained shall authorize the recovery by the lessor of the lessee of the cost of any charges which may have been rendered necessary through the default or negligence of the lessor, or through want of repair or defects existing in said premises at the commencement of the lease.

Proviso.

Penalty for neglecting to make structure safe.

SECTION 15. Upon the citation of any structure as unsafe or dangerous, by the inspector of buildings, if the

owner or other interested party, being notified thereof in writing, shall refuse or neglect to cause the said structure to be taken down or otherwise made safe, said owner or other interested party shall forfeit to the use of said city, for every day's continuance of said refusal or neglect, a sum not less than ten nor more than fifty dollars; said sum to be recoverable as debts are now by law recoverable.

SECTION 16. Any owner or other interested person aggrieved by any such order may, within three days after the service thereof upon him, apply for a jury to the superior court, if sitting in the county, or to any justice thereof in vacation. The court or justice shall issue a warrant for a jury to be empanelled by the sheriff within fourteen days from the date of the warrant, in the manner provided in chapter forty-three of the General Statutes relating to highways.

Owner may apply for a jury.

SECTION 17. The jury may affirm, annul, or alter such order, and the sheriff shall return the verdict to the next term of the court for acceptance, and being accepted, it shall take effect as an original order.

Jury may affirm or annul the order of inspector.

SECTION 18. If the order is affirmed, costs shall be taxed against the applicant; if it is annulled the applicant shall recover damages and costs against the city; if it is altered in part, the court may render such judgment as to costs as justice may require.

Taxation of costs.

SECTION 19. Nothing contained in the three preceding sections shall be construed to bar the right of the city to recover the penalty enacted in section thirteen, for the continuance of the refusal or neglect of the owner or owners, or other interested party or parties, to cause the structure in question to be taken down or otherwise made safe, unless the order is annulled by the jury; but in default of such annulment, the city shall have the right to recover said penalty from the day of the original notice as enacted in said section.

Penalty may be enforced if the order is not annulled.

SECTION 20. In case the building or structure cited as unsafe or dangerous shall be in process of erection, alteration or repair, it shall be lawful for the supreme judicial court, or any justice thereof, either in term time or vacation, to issue forthwith an injunction restraining further progress in the work on said building until the facts of the case shall have been investigated and determined as herein provided.

S. J. C. may restrain by injunction erection of unsafe building.

Buildings unsafe in case of fire to come within the provisions of this act.

SECTION 21. If any building in the city of Boston shall appear upon examination by the inspector of buildings, to be specially dangerous to life or limb to members of the fire department or to citizens in case of fire, by reason of insufficient thickness of walls, overloaded floors, defective construction, or other causes, such building shall be held and taken to be dangerous within the meaning of and subject to all the provisions of this act; and the inspector of buildings, besides proceeding as herein before provided, may affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building. Any person or persons removing such notice, so affixed, shall be liable to a penalty of not less than ten nor more than fifty dollars for each and every offence.

Facilities for escape in case of fire to be provided in hotels, &c.

SECTION 22. It shall be the duty of the inspector of buildings to inspect all dwelling-houses now erected in the city of Boston, occupied by two or more families on any of the floors above the second floor from the level of the street, and any building now erected and occupied as a hotel, boarding or lodging house, factory, mill or manufactory, or for offices or workshops, in which persons are employed in any of the stories above the second story; and if in his opinion such building is not provided with proper facilities for the escape of such persons in case of fire, he shall immediately serve a notice in writing upon the owner or owners, agent, or other party or parties having an interest in said building, requiring such facilities to be provided without delay.

If facilities for escape are not provided, a survey may be had.

SECTION 23. If the person or persons so notified shall refuse or neglect to provide such facilities to the satisfaction of said inspector, within such time as the inspector may designate, then such a survey of the premises shall be had as provided by section thirteen of this act.

Report to specify the necessary alterations.

SECTION 24. If the report of such survey shall require the furnishing of the facilities as aforesaid, the requisite changes or alterations in the building shall be particularly specified; and the inspector of buildings shall, upon the continued neglect or refusal of the owner or owners, or other party or parties interested in said building, cause such changes or alterations to be made, in the manner and subject to all the provisions specified and contained in sections fourteen to nineteen inclusive, of this act.

Officers may enter buildings.

SECTION 25. The officers of the department for the survey and inspection of buildings in the city of Boston,



and all surveyors or other persons required to execute the provisions of this act, shall, as far as may be necessary for the performance of their respective duties, have the right to enter any building or premises in said city.

SECTION 26. Sections fifty-one to fifty-eight inclusive, of chapter two hundred and eighty of the acts of the year eighteen hundred and seventy-one, are hereby repealed. Repeal of 1871, 280, §§ 51-58.

SECTION 27. This act shall take effect upon its passage.

*Approved May 20, 1873.*

AN ACT CONCERNING THE BUILDING BY THE CITY OF SOMERVILLE  
OF A DRAIN THROUGH THE CITY OF CAMBRIDGE.

*Ch. 299.*

*Be it enacted, &c., as follows :*

SECTION 1. The mayor and aldermen of the city of Somerville may lay, make and maintain a main drain or common sewer from Somerville to Alewife Brook, and through that portion of Cambridge which is bounded by Somerville and by North Avenue, the Lexington and Arlington branch of the Boston and Lowell Railroad and said Alewife Brook in Cambridge, and in such part thereof as to them shall seem best, and through the lands of any persons and corporations within said territory, and may repair the same from time to time whenever repairs thereof shall be necessary; and such main drain or common sewer shall be the property of the said city of Somerville; but it shall not be so laid as to require the removal of or interference with any building, or any part of any building now owned by the city of Cambridge.

Somerville may maintain a drain through Cambridge to Alewife Brook.

SECTION 2. The proceedings in taking said lands for the purposes aforesaid, and the liability of said city of Somerville for all damages by reason of the laying, making and maintaining, of said main drain or common sewer, and the rights and remedies for ascertaining and recovering the amount of such damages, shall be regulated by chapter one hundred and eleven of the acts of the year eighteen hundred and sixty-nine, relating to laying, making and maintaining main drains or common sewers in any city or town.

Liability for damages.

SECTION 3. The city of Somerville shall have the same right to assess any person for entering his particular drain into such main drain or common sewer, and for all benefit received by more remote means on account of said main drain or common sewer for draining cellars or lands, situated in said city of Somerville, as if the said main drain or common sewer was situated in Somerville, and all proceedings for the collection of and in regard to

Owner of private drain may be assessed for entering common sewer.

such assessments, shall be the same as provided in the forty-eighth chapter of the General Statutes.

Somerville to pay portion of expense of maintaining a discharge of sewage through the brook.

SECTION 4. The city of Somerville, in case it shall drain into said Alewife Brook as aforesaid, shall pay a just and proper proportion with the city of Cambridge, of all such expenses as may be deemed necessary by the city of Cambridge to secure and maintain a proper discharge through Alewife Brook, of all sewage entering therein; and in case said cities cannot agree, such proportion shall be determined by the county commissioners of the county of Middlesex, upon the petition of either city.

In case the city of Somerville shall neglect or refuse to comply with any order, decision or decree of said county commissioners, for thirty days after the same is made, all rights of the city of Somerville under this act shall cease.

Cambridge may construct self-acting tide-gates across the brook.

SECTION 5. In case the city of Somerville shall drain into Alewife Brook as aforesaid, the city of Cambridge may construct and maintain self-acting tide-gates, across said Alewife Brook, near to Broadway in the city of Somerville, and the city of Somerville shall pay such portion of the expense of constructing and maintaining such tide-gates, as the county commissioners of the county of Middlesex shall determine, in the manner provided in the preceding section; and with the same penalty as therein provided for neglect or refusal to comply with their order, decision or decree, for thirty days after the same is made.

Somerville not to assess land in Cambridge.

SECTION 6. Nothing contained in this act shall authorize or empower said city of Somerville to assess land in said city of Cambridge.

SECTION 7. The provisions of this act shall be subject to amendment or repeal at the pleasure of the legislature.

SECTION 8. This act shall take effect upon its passage.

*Approved May 20, 1873.*

### Ch. 300.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF DUKES COUNTY TO BORROW MONEY.

*Be it enacted, &c., as follows:*

May borrow \$5,000 on the credit of the county.

SECTION 1. The county commissioners of Dukes County are authorized to borrow, on the credit of the county, for the purpose of erecting a new jail, the sum of five thousand dollars in addition to the sum allowed for the same purpose in an act of this legislature, entitled an act to authorize the county commissioners of Dukes County to erect a new jail.

SECTION 2. This act shall take effect upon its passage.

*Approved May 20, 1873.*

AN ACT TO CONFIRM CERTAIN ACTS DONE BY ROBERT VOSE, JUNIOR, *Ch.* 301.  
AS CORONOR.*Be it enacted, &c., as follows :*

All acts done by Robert Vose, junior, of Boston, as a coronor within and for the county of Suffolk, between the fourth day of February in the year eighteen hundred and seventy, and the thirty-first day of December in the year eighteen hundred and seventy-two, are hereby made valid and confirmed to the same extent as though he had been during that interval duly qualified to discharge the duties of said office.

Acts confirmed and made valid.

*Approved May 20, 1873.*AN ACT TO CONFIRM CERTAIN ACTS DONE BY DAVID B. KIMBALL AS *Ch.* 302.  
A JUSTICE OF THE PEACE.*Be it enacted, &c., as follows :*

SECTION 1. All acts done by David B. Kimball, as a justice of the peace, within and for the county of Essex, between the thirteenth day of February and the twenty-second day of April, in the year eighteen hundred and seventy-three, are made valid and confirmed to the same extent as though he had been, during that time, qualified to discharge the duties of said office.

Acts confirmed and made valid.

SECTION 2. This act shall take effect upon its passage.

*Approved May 20, 1873.*AN ACT TO UNITE THE CITY OF BOSTON AND THE TOWN OF *Ch.* 303.  
BRIGHTON.*Be it enacted, &c., as follows :*

SECTION 1. All the territory now comprised within the limits of the town of Brighton in the county of Middlesex, with the inhabitants and estates therein, is annexed to and made part of the city of Boston, in the county of Suffolk, and shall hereafter constitute a part of the county of Suffolk, subject to the same municipal regulations, obligations and liabilities, and entitled to the same immunities in all respects as the said city of Boston : *provided, however,* that until constitutionally and legally changed, said territory shall continue to be, for the purpose of electing members of the house of representatives, part of the county of Middlesex, constituting a portion of the tenth representative district thereof; for the purpose of electing a senator, part of the third Middlesex senatorial district; for the purpose of electing a councillor, part of the third council district; and for the purpose of electing a representative in congress, said

Brighton to be annexed to Boston, and to become part of Suffolk County.

Election of members of the legislature, councillor and member of congress.

territory shall continue to be part of congressional district number eight, as the same is now constituted.

All the duties now required by law to be performed by the selectmen and town clerk of said town, or either of them, pertaining to the election of representatives in congress, state councillors, senators and members of the house of representatives, shall in like manner devolve upon and be performed by the board of aldermen and city clerk of said city.

It shall be the duty of the ward officers of the ward, erected out of said territory as hereinafter provided, to make to the city clerk of said city, a return of all votes that may be cast therein, from time to time, for representatives in congress, state councillors, senators, members of the house of representatives, and for all other national, state, district, county, municipal and ward officers.

Public property of Brighton to be vested in the city of Boston.

Treasurer of Brighton to deliver money and other property to treasurer of Boston.

SECTION 2. All the public property of said town shall be vested in and is declared to be the property of said city; and said city shall succeed to all the rights, claims, causes of action, rights to uncollected taxes, liens, uses, trusts, duties, privileges and immunities of said town. The town treasurer of the said town, on or before the second Monday of January, in the year eighteen hundred and seventy-four, under the direction of the selectmen of said town, who shall for this purpose, and for all other purposes necessary to carry into full effect the provisions of this act, continue to hold their offices, shall transfer, deliver, pay over and account for to the city treasurer of the said city, all books, papers, moneys and other property in his possession as town treasurer of said town when this act takes effect; and the said city shall become liable for and subject to all the debts, obligations, duties, responsibilities and liabilities of said town. All actions and causes of action which may be pending, or which shall have accrued at the time this act takes effect, in behalf of or against said town, shall survive, and may be prosecuted to final judgment and execution in behalf of or against said city.

Jurisdiction of courts in Suffolk and Middlesex Counties.

SECTION 3. The several courts within the county of Suffolk, except the municipal court for the southern district of the city of Boston, after this act takes effect, shall have the same jurisdiction over all causes of action and proceedings in civil causes, and over all matters in probate and insolvency, which shall have accrued within

said territory hereby annexed, that said courts now have over like actions, proceedings and matters within the county of Suffolk: *provided*, that the several courts within the county of Middlesex shall have and retain jurisdiction of all actions, proceedings and matters that shall have been rightfully commenced in said courts prior to the time when this act takes effect; and the supreme judicial court and the superior court within the county of Suffolk, after this act takes effect, shall have the same jurisdiction of all crimes, offences and misdemeanors that shall have been committed within the said territory, that the supreme judicial court and superior court within the county of Middlesex now have: but if before this act takes effect, proceedings shall have been commenced in any of the courts within the county of Middlesex, for the prosecution of said crimes, offences and misdemeanors; the said courts within the county of Middlesex shall have and retain jurisdiction of the same for the full, complete and final disposition thereof. All suits, actions, proceedings, complaints and prosecutions, and all matters of probate and insolvency which shall be pending within said territory, before any court or justice of the peace, when this act takes effect, shall be heard and determined as though this act had not passed.

SECTION 4. Said territory shall be added to, and constitute a part of the judicial district under the jurisdiction of the municipal court of the city of Boston. Said court shall have the same civil and criminal jurisdiction in said territory as it now has by law in its district as it now exists.

Territory under jurisdiction of municipal court of Boston.

SECTION 5. The said territory shall constitute a ward of the city of Boston, to be called ward nineteen, and shall so remain until the alteration of the ward limits of the city of Boston, provided by law. And the ward so established shall be entitled to all the municipal and ward officers to which each of the other wards of said city is entitled except as hereinafter provided.

To constitute the nineteenth ward of Boston.

SECTION 6. If this act shall be accepted as hereinafter provided, said territory shall, after the fourth day of November, in the year eighteen hundred and seventy-three, constitute a ward of said city, to be called ward nineteen, for all the purposes mentioned in this section and in section seven of this act. And the board of aldermen of said city shall, in due season, issue their

Meeting for election of ward officers.

warrant for a meeting of the legal voters of said ward, to be held on the second Monday of December, in the year eighteen hundred and seventy-three, at some place within said ward, which shall be designated in said warrant, there first to choose a warden, clerk and five inspectors of elections for said ward, who shall hold their offices until the first Monday of January, in the year eighteen hundred and seventy-four, and until others shall be chosen and qualified in their stead; second, to give in their ballots for the several municipal and ward officers for the year eighteen hundred and seventy-four for which they shall be entitled to vote by virtue of the provisions of this act.

School commit-  
tee.

The voters of said ward shall designate, by their ballots cast at said meeting, the term of service for which each of the three school committee men, who shall be chosen in said ward, shall serve, so that one of the number so chosen shall serve for three years, one for two years, and one for one year. The board of aldermen of said city shall prepare lists of all the legal voters in said ward, to be used at said meeting, and shall do all other things which they are now by law required to do in respect to like elections in other wards of said city; and at said meeting, any legal voter of said ward may call the citizens to order, and preside until a warden is chosen and qualified. All ward officers whose election is provided for in the preceding section, shall be qualified according to law. The citizens of said territory shall have the same right to vote for municipal officers, at the annual municipal election in said city, in the year eighteen hundred and seventy-three, as they would have had if said territory had formed part of said city for more than six months next before said election.

Citizens may  
vote for municipal  
officers of  
Boston in the  
year 1873.

Members of the  
common council.

SECTION 7. After the present municipal year, the board of aldermen of the city of Boston shall consist of twelve members, and in addition to the number of members of the common council otherwise to be provided for by law, the territory hereby annexed shall be entitled to elect two members to said council.

Police officers  
and firemen to  
continue in dis-  
charge of their  
duties.

SECTION 8. The several police officers, watchmen, fire engineers and firemen in office in said town when this act shall take effect, shall thereafter continue in the discharge of their respective duties, in the same manner as if they were police officers, watchmen, fire engineers and firemen of the city of Boston, until others are appointed in their stead.

SECTION 9. All the interest which said town now has in the public property of the county of Middlesex is released and acquitted to said county of Middlesex. Such portion of the debts and obligations of the county of Middlesex, existing when this act takes full effect, over and above the value of all the property belonging to said county as should proportionally and equitably be paid by the inhabitants and property owners of said territory by this act annexed to said city, shall be paid by said city to said county of Middlesex; and the supreme judicial court shall have jurisdiction in equity to determine the amount, if any, and enforce the payment of the same upon a suit in equity, in the name of said county, to be brought therefor within six months after this act goes into full operation, by the county commissioners of said county of Middlesex, if they deem such suit for the interest of said county; but no such suit shall be instituted after said six months.

Interest in county property released to Middlesex.

Boston to pay proportion of debts of Middlesex County.

Nothing contained in this act shall impair the obligation of contracts; and the property and inhabitants of said territory shall continue liable to the existing creditors of the county of Middlesex, in like manner as if this act had not been passed; *provided*, that if any person, by reason of his being an inhabitant of, or owning property in, said territory, shall be compelled to pay any part of an existing debt or obligation of the county of Middlesex, the amount of such payment shall constitute a debt to him from said county, as hereafter to be constituted, exclusive of said territory, and may be recovered in like manner as other debts against the county of Middlesex.

Obligation of contracts not to be impaired.

SECTION 10. This act shall not take full effect unless accepted by a majority of the legal voters of the city of Boston present and voting thereon by ballot, at meetings which shall be held in the several wards of said city, and also by a majority of the legal voters of the town of Brighton present and voting thereon, by ballot, at a meeting which shall be held in said town. All said meetings shall be held simultaneously on the first Tuesday of October of the present year, and upon notice thereof duly given at least seven days before the time of said meetings, and the polls shall be opened at nine o'clock in the forenoon of said day, and shall be closed at six o'clock in the afternoon. In case of the absence of any ward officer at any ward meeting in said city, held for the

Subject to acceptance by voters of Boston and Brighton.

Meetings to be held on first Tuesday of October.

purpose aforesaid, or of any of the selectmen, or of the town clerk at any meeting in said town held for said purpose, a like officer may be chosen, *pro tempore*, by hand vote, and shall be duly qualified, and shall have all the powers, and be subject to all the duties of the regular officer at said meetings. Said ballots shall be "yes" or "no" in answer to the question, "Shall an act passed by the legislature of this Commonwealth in the year eighteen hundred and seventy-three, entitled 'An Act to unite the city of Boston and the town of Brighton,' be accepted?" Such meeting in said town shall be called, notified and warned by the selectmen of said town in the same manner in which meetings for the election of town officers in said town are called, notified and warned; and such meeting in the city of Boston shall be called, notified and warned by the board of aldermen of said city in the same manner in which meetings for the election of municipal officers in said city are called, notified and warned.

Result of balloting to be recorded and returned.

The ballots shall be assorted, counted and declared in the ward meetings in which they are given in the city of Boston, in open ward meeting, and shall be registered in the ward records; and in the town of Brighton the ballots shall be assorted, counted and declared in open town meeting, and shall be recorded upon the records of the town. The clerk of each ward in the city of Boston shall make return of all ballots in favor of the acceptance of this act, and the number of ballots against said acceptance, to the board of aldermen of said city; said returns to be made within forty-eight hours of the close of the polls.

Returns to be made to the secretary of the Commonwealth.

It shall be the duty of the board of aldermen of said city to certify as soon as may be the number of ballots cast in said city, and the number of ballots cast in favor of the acceptance of this act, and the number of ballots cast against said acceptance, to the secretary of the Commonwealth.

The selectmen and the town clerk of the town of Brighton shall, as soon as may be, make a like return of the ballots cast in said town, and the number of ballots cast in favor of acceptance of this act, and the number of ballots cast against said acceptance, to the secretary of the Commonwealth.

Secretary to publish certificate if result

And if it shall appear that a majority of the votes cast in said city, and a majority of the votes cast in said town,



respectively, are in favor of the acceptance of this act, the said secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

is in favor of acceptance.

SECTION 11. So much of this act as authorizes and directs the submission of the question of acceptance of this act to the legal voters of said city and said town, respectively provided for in the tenth section of this act, shall take effect upon its passage.

Part of act to take effect on its passage.

SECTION 12. If this act shall be accepted as herein provided, it shall take effect on the twelfth day of November, in the year eighteen hundred and seventy-three, so far as to authorize, legalize and carry into effect the acts and provisions of the sixth and seventh sections of this act; but for all other purposes, except as mentioned in section eleven of this act, it shall take effect on the first Monday of January, in the year eighteen hundred and seventy-four.

When to take effect if accepted.

*Approved May 21, 1873.*

AN ACT FOR THE ABATEMENT OF A NUISANCE IN THE CITIES OF CAMBRIDGE AND SOMERVILLE, AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITIES.

*Ch. 304.*

*Be it enacted, &c., as follows :*

SECTION 1. The boards of mayor and aldermen of the cities of Cambridge and Somerville respectively, may order the owners of the channel, flats and basins of Miller's River in said cities, situated and lying east of Prospect Street in said Somerville, and south-west of the Boston and Lowell Railroad, and within their respective limits, except so much thereof as lies westerly and southerly of the easterly and northerly lines of John P. Squire and Company's buildings, prolonged, respectively, to Gore Street and to lands of the Boston and Albany Railroad Corporation, which lines and prolongations thereof shall be at all times substantially and securely bulkheaded by the said John P. Squire and Company, their heirs and assigns, owners of said premises, to fill up their channel, flats and basins with good earth or other suitable material to a grade not less than thirteen feet above mean low water, in order to secure a complete drainage thereof, the abatement of the present nuisance and the preservation of the public health of said cities.

Flats and channel way may be ordered to be filled up for purpose of abating a nuisance.

SECTION 2. Such orders shall be made in writing and served upon such owners or occupants or their authorized agents in the manner prescribed in section nine of chapter twenty-six of the General Statutes for the service of orders of boards of health.

Orders to be made in writing and served upon owners.

If owner does not comply with order, city may fill up the territory.

SECTION 3. If any owner of the territory, or any part thereof, described in the first section of this act, fails to begin to comply with any such order for three months, or fails diligently after such beginning to proceed to comply with such order, or fails to comply fully with any such order for one year after such service thereof, the board of mayor and aldermen of the city wherein the same is situated, may fill up the said territory, or any part thereof, with good earth or other suitable material, to the grade established as provided in the first section and specified in the order, and all necessary expenses incurred thereby shall constitute a lien upon the said territory and the land made by said filling, and a lien upon all buildings upon such lands, which may be enforced and collected, and the city collectors may respectively purchase such land or land and buildings in behalf of their respective cities, as is provided by law for the collection of taxes upon real estate, and in case of land sold for taxes.

Expense of filling to be a lien upon the land.

Parties dissatisfied with assessment of expense may apply for a jury.

SECTION 4. Any person entitled to any estate in any part of the said territory, which shall be so filled by the mayor and aldermen, who shall be dissatisfied with the assessment of the expense of filling the same and raising the grade thereof as aforesaid, may within three months after receiving notice of such assessment, make complaint to the county commissioners of the county of Middlesex. Said commissioners shall thereupon order a jury, who may revise such assessment, and the proceedings shall be carried on in the manner prescribed in chapter forty-three of the General Statutes, in cases where persons are aggrieved by the assessment of damages, by the selectmen. If the assessment is reduced the legal charges arising on such complaint shall be paid by the city, otherwise by the complainant.

Owner may surrender his estate to the city.

SECTION 5. Instead of making such complaint any person who shall be dissatisfied with the assessment upon him of the expense of filling the said territory, or any part of the same, and raising the grade thereof, as aforesaid, may give notice to the mayor and aldermen of the city wherein the same is situated, within sixty days after he receives notice of such assessment, that he objects to the same and elects to surrender his estate to said city; and such owner shall thereupon convey the estate to said city.

If owner and city agree upon price, the

SECTION 6. If any person, whose estate is conveyed under the preceding section, agrees with the city upon the

value thereof, excluding the benefit or advantage which has accrued from the filling or raising of the grade of said estate, and of said territory, the same shall be forthwith paid to him by the city. If any person shall not so agree, he may at any time within three months from the delivery of the deed, conveying such estate to the city, apply to the county commissioners, as provided in section four of this act, for a jury to determine the value of said estate, excluding the benefit or advantage which has accrued from the filling or raising of the grade of said estate, and the proceedings shall be as provided in said section. The amount awarded by the jury shall be paid by the city, and if the amount is increased above the sum before offered by the city, all legal charges arising on such application shall be paid by the city, otherwise by the applicant.

amount to be paid forthwith.

If they disagree, price to be determined by a jury.

SECTION 7. Said cities may lay or permit to be laid, railway tracks through their several streets and maintain or permit them to be maintained so long as necessary for transporting earth and other material to fill up the territory as herein provided.

May lay railway tracks through the streets.

SECTION 8. All filling and grading done under this act shall be done within five years from the passage hereof.

Filling to be done within five years.

SECTION 9. Said boards of mayor and aldermen shall, within the limits of their respective cities, construct such sewers in the territory set forth in section one of this act, as they shall deem the public health and convenience require, and also a main sewer, which shall be built through, near to, or for the drainage of the territory described in section one of this act, and which shall discharge all drainage and sewage of the said territory by Bridge Street in Cambridge to a point in Charles River at or near to Cragie Bridge: *provided, however*, that so much of such main sewer as lies between the Grand Junction Railroad and Bridge Street Bridge shall not be constructed more than forty feet from the line of Milk Street.

Sewers may be constructed.

Proviso.

SECTION 10. No sewer shall be constructed or maintained by either of said cities having its outfall at any point in Miller's River, above the outlet of Prison Point Bay.

Outlet of sewer.

SECTION 11. Said main sewers shall be the common property of both said cities, to be used by them in common, without restriction in any manner or degree upon each other, and shall be located and constructed within

Main sewers to be common property of both cities.

such time and in such manner as the commissioners mentioned in section twelve of this act shall direct.

Expenses to be apportioned by commissioners appointed by S. J. C.

SECTION 12. Said cities shall pay all expenses of constructing and maintaining said main sewers, and all expenses of the commission in this section provided for, in such proportions as shall be determined by a commission to consist of three persons, who shall be appointed by the supreme judicial court, sitting as a full court in any county, at any time after the passage of this act, upon the petition of the mayor of either of said cities, or of any person interested in the construction of the sewer mentioned in section nine of this act, after such notice as the court or any justice thereof may order: *provided, however*, that either of said cities shall have the same right of assessing a proportional part of any expenses paid by it for constructing said sewers, upon any persons, excepting the owners of that portion of the territory described in the first section of this act which lies between the Grand Junction and Lowell Railroads, receiving benefit thereby for draining their lands in such city or otherwise, as it now has for constructing other main drains or common sewers in such city.

Commissioners to be sworn, and to make their award to the S. J. C.

SECTION 13. Said commissioners shall be sworn to the faithful and impartial discharge of their duties, and shall then, after due notice and hearing in such manner and amount as they shall deem just and equitable, apportion and assess upon said cities all expenses mentioned in and incurred under the preceding section, and shall determine what territory in each of said cities is benefited by the construction of each of said main sewers, and what proportion of the cost thereof assessed by them on either of said cities may be assessed by such city on the territory benefited within its limits. They shall return their award into the supreme judicial court, sitting either for the county of Middlesex or Suffolk, and when said award has been accepted by said court, the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding upon all parties, and said court may enforce the same by proper process.

SECTION 14. This act shall take effect upon its passage.

*Approved May 23, 1873.*

AN ACT IN RELATION TO THE INCREASE OF CAPITAL STOCK BY STREET RAILWAY CORPORATIONS. *Ch. 305.*

*Be it enacted, &c., as follows :*

The provisions of chapter three hundred and ninety-two of the acts of the year eighteen hundred and seventy-one, shall apply to street railway corporations, except that the additional shares of stock issued shall be sold at public auction in the principal town or city in which such street railway corporation is located, and the notice of the time and place of such sale shall be published in one or more newspapers in such town or city, or, if none are there published, in the town or city nearest the same.

Additional stock to be sold at auction in principal place where corporation is located.

*Approved May 23, 1873.*

AN ACT TO AUTHORIZE TOWNS AND CITIES TO APPROPRIATE MONEY TOWARD DEFRAYING THE EXPENSES OF MAINTAINING LIBRARIES. *Ch. 306.*

*Be it enacted, &c., as follows :*

Any city or town may appropriate and pay such sum annually as it may see fit, toward defraying the expenses of maintaining any library within such city or town to which the inhabitants are allowed free access for the purpose of using the same on the premises.

Towns may appropriate money for free libraries.

*Approved May 23, 1873.*

AN ACT TO CONFIRM THE DOINGS OF THE TOWN OF HUBBARDSTON IN CHANGING THE NUMBER OF SCHOOL DISTRICTS IN SAID TOWN, AND FOR OTHER PURPOSES. *Ch. 307.*

*Be it enacted, &c., as follows :*

SECTION 1. The acts and proceedings of the inhabitants of the town of Hubbardston in changing the number of school districts in said town from thirteen to nine, and in establishing the limits of said nine school districts, and in disposing of the school-house property in said town, and the acts and proceedings of each of said nine school districts in raising and expending money, and in disposing of, erecting and furnishing school-houses, are ratified and confirmed.

Proceedings ratified and confirmed.

SECTION 2. This act shall take effect on its passage.

*Approved May 23, 1873.*

AN ACT IN RELATION TO EMPANELLING JURIES IN CAPITAL CASES. *Ch. 308.*

*Be it enacted, &c., as follows :*

SECTION 1. When a jury is to be empanelled for the trial of a capital case, the clerk of the court shall cause the name of each juror summoned therein to be written on a separate paper, and each paper to be folded uniformly and in such a manner that the name written thereon shall

Jurors in capital cases, to be selected by lot from the whole number summoned.

not be visible, and shall cause such papers to be placed in a box provided for that purpose. He shall then proceed in open court to draw the papers from said box, one by one, and the first twelve persons whose names are upon the papers so drawn, who are not excused or otherwise set aside, shall be sworn as the jury for the trial of the case.

SECTION 2. This act shall take effect upon its passage.

*Approved May 23, 1873.*

**Ch. 309.** AN ACT TO FIX THE SALARY OF THE CLERK OF THE COURTS FOR THE COUNTY OF HAMPSHIRE.

*Be it enacted, &c., as follows:*

Salary fixed at \$1,600 a year.

SECTION 1. The clerk of the courts for the county of Hampshire may, from and after the first day of January last, retain for his annual salary, out of the fees for which he is to account, the sum of sixteen hundred dollars, instead of twelve hundred dollars as now provided by law.

*Approved May 23, 1873.*

**Ch. 310.** AN ACT TO PROVIDE FOR THE ATTENDANCE OF CONSTABLES AT SESSIONS OF THE MUNICIPAL COURT OF THE CITY OF BOSTON.

*Be it enacted, &c., as follows:*

Salary of constables for attending municipal court fixed at \$1,500 a year.

SECTION 1. The justices of the municipal court of the city of Boston shall designate constables of said city, not more than six, to attend the sessions of said court for the transaction of criminal business, and to serve such warrants, precepts, orders and processes issuing therefrom as shall be committed to them by said justices or either of them; and said constables shall each receive from the treasury of said city a salary at the rate of eighteen hundred dollars a year, to be paid in monthly instalments.

SECTION 2. This act shall take effect on its passage.

*Approved May 23, 1873.*

**Ch. 311.** AN ACT TO AUTHORIZE THE TOWN OF WRENTHAM TO RAISE MONEY BY TAXATION FOR THE PURPOSE OF CELEBRATING ITS BICENTENNIAL ANNIVERSARY.

*Be it enacted, &c., as follows:*

May raise money by tax or otherwise.

SECTION 1. The town of Wrentham, upon so voting at a legal town meeting duly called for the purpose, may raise by tax, loan or otherwise, a sum of money not exceeding one-tenth of one per centum of its assessed valuation, and appropriate the same for the celebration of the coming bi-centennial anniversary of the incorporation of said town.

SECTION 2. This act shall take effect upon its passage.

*Approved May 23, 1873.*

## AN ACT CONCERNING COMMERCIAL FERTILIZERS.

*Be it enacted, &c., as follows :*

SECTION 1. Every commercial fertilizer offered for sale within this Commonwealth shall be accompanied by an analysis stating the percentage therein of nitrogen, of anhydrous potassium oxide, or its equivalent of potassium, in any form or combination soluble in distilled water, and of phosphoric oxide or anhydrous phosphoric acid, in any form or combination, soluble in a neutral solution of citrate of ammonia at a temperature not exceeding one hundred degrees Fahrenheit. The percentage of phosphoric oxide not soluble as above, shall also be stated in said analysis together with the material from which it is obtained: *provided*, that no analysis shall be required for packages of fertilizers which are sold, offered or exposed for sale at a less rate than fifteen dollars per ton, or which contain none of the above constituents. A copy of the analysis required shall accompany every parcel sold, offered or exposed for sale.

*Ch. 312.*

Commercial fertilizers offered for sale, to be accompanied with an analysis.

Proviso.

SECTION 2. Any person selling, offering or exposing for sale any commercial fertilizer without the analysis required by the first section of this act, or with an analysis stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is contained therein, shall forfeit fifty dollars for the first offence, and one hundred dollars for each subsequent offence.

Penalty for offering for sale without analysis.

SECTION 3. The chemist of the state board of agriculture shall be *ex officio* a member of said board and state inspector of fertilizers. It shall be the duty of said inspector to analyze one or more specimens of every kind of commercial fertilizer coming within the provisions of this act which may be offered for sale within this Commonwealth, and of which he shall be informed; and for this purpose he is authorized to take from any package or packages of said fertilizers which may be in the possession of any dealer a sample not exceeding one pound in weight. He shall report annually to the board of agriculture the results of his inspection, and furnish to the secretary of said board such important information in regard to commercial fertilizers as he may from time to time obtain.

The chemist of the board of agriculture to be Inspector of fertilizers.

SECTION 4. The fee of the state inspector of fertilizers shall be fifteen dollars for each analysis made by him or under his direction, to be paid by the person whose sample is analyzed.

Fee of \$15 for each analysis.

Inspector to notify manufacturer and secretary of board of violation of this act.

SECTION 5. It shall be the duty of the said inspector, upon ascertaining any violation of this act, to forthwith inform the manufacturer and the secretary of the state board of agriculture in writing thereof. And it shall be the duty of said secretary to immediately institute proceedings against all parties violating this act.

Repeal of 1869, 63.

SECTION 6. Chapter sixty-three of the acts of the year eighteen hundred and sixty-nine is repealed.

To take effect Oct. 1, 1873.

SECTION 7. This act shall take effect on the first day of October next.

*Approved May 26, 1873.*

### Ch. 313.

#### AN ACT CONCERNING THE MILITIA.

*Be it enacted, &c., as follows :*

Persons to be enrolled.

SECTION 1. Every able-bodied male citizen, resident within this state, of the age of eighteen years, and under the age of forty-five years, excepting persons exempted by the following sections, idiots, lunatics, common drunkards, vagabonds, paupers, and persons convicted of any infamous crime, shall be enrolled in the militia. Persons so convicted after enrolment shall forthwith be disenrolled; and in all cases of doubt respecting the age of a person enrolled, the burden of proof shall be upon him.

Assessors to prepare lists, and clerks to make returns.

SECTION 2. Assessors shall annually in May or June make a list of persons living within their respective limits liable to enrolment, and place a certified copy thereof in the hands of the clerks of their respective cities and towns, who shall place it on file with the records of such city or town, and annually in May, June or July, transmit returns of the militia thus enrolled to the adjutant-general.

Penalty for not giving information to assessors.

SECTION 3. Keepers of taverns or boarding-houses, and masters and mistresses of dwelling-houses, shall, upon application of the assessors within whose bounds their houses are situated, or of persons acting under them, give information of the names of persons residing in their houses liable to enrolment or to do military duty; and every such person shall, upon like application, give his name and age; and if such keeper, master, mistress or person refuses to give such information, or give false information, such keeper, master or mistress shall forfeit and pay twenty dollars, and such person shall forfeit and pay twelve dollars, to be recovered on complaint of either of the assessors.

Enrolled militia not liable to active duty except in case of war.

SECTION 4. The enrolled militia shall be subject to no active duty, except in case of war, invasion, the preven-



tion of invasion, the suppression of riots and to aid civil officers in the execution of the laws of the Commonwealth; in which cases the commander-in-chief shall order out for actual service, by draft or otherwise, as many of the militia as necessity demands.

SECTION 5. The order of the commander-in-chief may be directed to the mayor and aldermen of cities, or to the selectmen of towns, who shall thereupon appoint a time and place of parade for the militia, in their city or town, and order them to appear at the time and place, either by leaving a written notice, or orally, and then and there proceed to draft as many thereof, or accept as many volunteers, as is required by the order of the commander-in-chief; and shall forthwith notify the commander-in-chief that they have performed such duty.

Draft from the militia.

SECTION 6. Every soldier ordered out, or who volunteers or is detached or drafted, under the provisions of section thirteen of this act, who does not appear at the time and place designated by the mayor and aldermen or selectmen, or who has not some able-bodied and proper substitute, at such time and place, or does not pay to such mayor and aldermen, or selectmen, for the use of the Commonwealth, the sum of seventy-five dollars within twenty-four hours from such time, shall be taken to be a soldier absent without leave, and dealt with accordingly.

Penalty on soldiers for not appearing, or not furnishing a substitute.

SECTION 7. When the militia are ordered out, or have volunteered for, and while they are in actual service, as specified in section four, they shall be organized by the commander-in-chief, with the advice of the council, into companies, battalions, regiments, brigades and divisions, which shall be numbered and record thereof made in the office of the adjutant-general; and shall be officered, governed and trained according to the laws of this state and the United States; and the state shall furnish arms and equipments for each non-commissioned officer and private, and pay them until their term of service expires; and when troops are in the field for such purposes, the senior officer of the troops present shall command, until the commander-in-chief or some officer detailed by him takes command. Each commissioned officer shall provide himself with suitable side-arms.

Militia in active service to be organized into companies, &c.

State to furnish arms and equipments.

SECTION 8. When the commander-in-chief deems it necessary, he shall require cities and towns to provide, in some suitable place therein, sixty-four pounds of powder,

Towns may be required to provide ammunition and camp-kettles.

one hundred pounds of musket and rifle balls, and also three copper, iron or tin camp-kettles for every sixty-four soldiers enrolled in said town, and the same proportion for a greater or less number, and to keep the same until such requirement is revoked. Every place neglecting to comply with such requisition shall forfeit and pay not less than twenty nor more than five hundred dollars.

Persons exempted from all military duty.

SECTION 9. In addition to the persons exempted from enrolment in the militia by the laws of the United States, the persons hereinafter mentioned shall also be absolutely exempted from enrolment, viz.: justices and clerks of courts of record; registers of probate and insolvency; registers of deeds and sheriffs; officers who have held or may hold commissions in the regular or volunteer army or navy of the United States; officers who have held, for a period of five years, commissions in the militia of this or any other state of the United States, or who have been superseded and discharged, or who held commissions in any corps at the time of its disbandment; staff officers heretofore exempted, and whose offices shall become vacant by the provisions of section forty-six; ministers of the gospel; practising physicians; the superintendents, officers and assistants employed in or about either of the state hospitals, state almshouses, state prison, jails, or houses of correction; keepers of light-houses, telegraphic operators, and conductors and engine-drivers of railroad trains, and seamen actually employed on board of any vessel, or who have been so employed within three months next preceding the time of enrolment.

Exemption of Quakers and Shakers.

SECTION 10. Every person of either of the religious denominations of Quakers or Shakers, who on or before the first Tuesday in May, annually, produces to the assessors of the city or town in which he resides, a certificate, signed by two or more of the elders or overseers (as the case may be,) and countersigned by the clerk of the society with which he meets for public religious worship, shall be exempted from enrolment. The certificate shall be in form as follows:—

We, the subscribers, of the society of people called            in the town of           , in the county of           , do hereby certify that            is a member of our society, and that he frequently and usually attends religious worship with said society, and we believe he is conscientiously scrupulous of bearing arms.

E. F., Clerk.

A. B. { *Elders or overseers*  
C. D. { (as the case may be).

SECTION 11. Enginemen, or members of the fire department in a city or town, shall be exempted from military duty by forthwith filing with the assessors of the city or town in which they reside, a certificate that they are enginemen or members of the fire department as aforesaid, signed by the mayor and aldermen of such city, or the selectmen of such town; but when a member of a volunteer company is, after his enlistment, appointed an engine-man or member of the fire department, it shall not vacate his enlistment.

Exemption of members of the fire department.

SECTION 12. Every non-commissioned officer or private having bodily infirmity, may be exempted from military duty, if he obtains from the surgeon or assistant-surgeon of the regiment, battalion or detached company to which he belongs (or, if there are no such officers commissioned in such regiment, battalion or company, then from some respectable physician living within the bounds of the same), a certificate that he is unable to do military duty, on account of bodily infirmity, the nature of which shall be described in such certificate; and the captain or commanding officer of his company may on the back of the certificate, discharge the non-commissioned officer or private named therein, from performing military duty, for a term of time which he judges reasonable, not exceeding one year; which certificate, when countersigned by the colonel or commanding officer of said regiment, battalion or company, shall, for the time specified, exempt him from military duty, except attendance at the election of officers. If such non-commissioned officer or private, having obtained such certificate, is refused a discharge, he may apply to the commanding officer of the brigade, who may discharge him from military duty for such time, not exceeding one year, as he judges reasonable, by endorsing the same upon the surgeon's certificate.

Exemption of soldiers having bodily infirmity.

All the preceding sections apply only to the enrolled militia.

SECTION 13. The active militia shall be composed of volunteers; and in case of war, invasion, the prevention of invasion, the suppression of riots, and to aid civil officers in the execution of the laws of the Commonwealth, shall first be ordered into service.

Active militia to consist of volunteers, and to be first called into service.

SECTION 14. The number of companies of the volunteer militia shall be one hundred of infantry, to be reduced as herein provided, two of cadets, six of cavalry

Number of companies.

Present companies to reorganize.

and five of light artillery, and shall be apportioned among the counties according to population. The volunteer companies, however, now organized, shall be retained: *provided*, they shall reorganize under the provisions of this act: and *provided*, that no county in the Commonwealth shall, by reason thereof, be deprived of the right and privilege of enlisting and organizing its proportion of the volunteer force under the provisions of this act. And the commander-in-chief shall have full power and authority, at any time hereafter, to disband any company or companies now organized, whenever, in his judgment, it shall be necessary or expedient, in order to give to each county its just proportion of the organized militia.

Infantry companies to be reduced to eighty.

The number of companies of infantry shall be reduced gradually to eighty by disbandment for any cause provided in this act, but no company shall be disbanded without such cause existing.

The maximum number of commissioned officers, non-commissioned officers, musicians, farriers, artificers, wagoners and privates of said companies of cavalry and light artillery respectively, and the number and rank of the officers and non-commissioned officers of said companies of infantry, shall be the same as that now or hereafter established by the war department, or the congress of the United States, for the arms of the service to which such companies severally belong. The maximum number of commissioned officers, non-commissioned officers, musicians and privates of said companies of infantry shall be sixty-four, and the minimum number forty-eight except as provided in the next section.

Whole force not to exceed 5,000.

Petitions for organizing volunteer companies may be granted by the commander-in-chief. No new company, however, shall be organized if thereby the whole force shall exceed five thousand officers and men. When a county does not raise its quota, the commander-in-chief may grant petitions to complete the prescribed number in other counties.

Members of company to sign an enlistment roll.

SECTION 15. Whenever a volunteer company is formed, the members thereof shall sign an enlistment roll issued from the office of the adjutant-general; but no election of officers shall be ordered in a company hereafter organized, unless at least fifty men have been enlisted therein. Upon the enlistment of that number, and notification given to the commander-in-chief by one or more

Election of officers.

petitioners for the company, attested by the mayor and aldermen or selectmen, an election of officers may be ordered; and if there is no officer of the volunteer militia conveniently located to preside at such election, the commander-in-chief may issue an order for that purpose to one or more of the selectmen or mayor and aldermen of the place where a majority of the petitioners reside. And after such election has taken place, the company shall be attached to a regiment or battalion of infantry, when it shall be mustered into the service of the Commonwealth upon said rolls, under oath, by the mustering officer of the regiment or battalion; and if a company of artillery or cavalry, by any mustering officer to be designated by the adjutant-general. Companies now in the service shall at once reorganize under the provisions of this act, by their members signing proper enlistment rolls and being mustered into the service of the Commonwealth, but such companies need not hold new elections of officers upon reorganization, the officers now in commission being retained unless discharged for some cause as provided in section forty-four. Such companies not reorganizing as herein provided, on or before the first day of August, eighteen hundred and seventy-three, shall be disbanded by order of the commander-in-chief; but for the purposes of such reorganization thirty-five shall be considered the minimum of infantry companies until the first day of May, eighteen hundred and seventy-four, when the minimum shall be as provided in the preceding section.

Companies now in service to reorganize and be mustered in.

SECTION 16. Non-commissioned officers and privates shall enlist and be mustered in for a term of three years, and shall not be discharged during that time except as provided in section one hundred and fifty. Muster-in rolls shall be made in triplicate, one of which shall be retained at the headquarters of the regiment by the mustering officer, the original shall be forwarded to the adjutant-general's office, within ten days from any muster of men, and one roll shall be retained by the company commander.

Enlisted men to be mustered in for three years.

SECTION 17. No officer or soldier shall be liable to jury duty while in the active militia service.

Not liable to jury duty.

SECTION 18. The militia, under the command-in-chief of the governor of the Commonwealth, shall be organized as follows:—The staff of the commander-in-chief shall consist of an adjutant-general, who shall be the chief of the staff with the rank of major-general, and may be also

Officers of the militia.

the inspector-general of the militia; a quartermaster-general, surgeon-general and judge-advocate-general, each with the rank of brigadier-general; and four aides-de-camp, each with the rank of colonel, and such additional officers of the general staff as the public service may require, with such rank as the commander-in-chief may designate; and if the good of the service demands, the office of inspector-general may be separated from that of adjutant-general, but in such case the rank of the inspector-general shall be that of brigadier-general.

Quartermaster-general.

In times of peace the duties of quartermaster-general shall be performed by the adjutant-general.

Commissary-general.

The quartermaster-general shall also be chief of ordnance and commissary-general of subsistence.

Officers of division.

To each division there shall be one major-general, whose staff shall consist of an assistant-adjutant-general, who shall also be chief of staff, with the rank of colonel; one assistant-inspector-general, with the rank of lieutenant-colonel; one medical-director, who shall be a surgeon and shall have the rank of colonel; one assistant-quartermaster, with the rank of lieutenant-colonel; two aides-de-camp, one engineer of division, and one judge-advocate, who shall be a justice of the peace, each with the rank of major.

Officers of brigade.

To each brigade there shall be one brigadier-general, whose staff shall consist of one assistant-adjutant-general, with the rank of lieutenant-colonel; a medical director of brigade, with rank of lieutenant-colonel; one assistant-inspector-general, who shall be brigade mustering officer, with rank of major; one assistant-quartermaster, one aide-de-camp, one engineer of brigade, and one judge-advocate, who shall be a justice of the peace, and one provost-marshal, each with the rank of captain.

Officers of regiment.

To each regiment there shall be one colonel, one lieutenant-colonel, and one major; also one adjutant, one regimental quartermaster, and one regimental mustering officer, who shall be regimental paymaster, each with the rank of first lieutenant; one regimental surgeon, with the rank of major; one regimental chaplain, to be borne on the field and staff-roll next after the surgeon; one regimental assistant-surgeon, with the rank of first lieutenant; one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one hospital steward, and one drum-major.

The governor shall, if the emergency exists for increasing the number of batteries of light artillery, organize them into a regiment on the basis of a regiment of artillery of the United States army.

To each separate battalion there shall be one major; also one adjutant, and one battalion-quartermaster, and one battalion mustering officer who shall be battalion paymaster, each with the rank of first lieutenant; one surgeon with the rank of major; one sergeant-major, one quartermaster-sergeant, and one hospital-steward. The governor may commission a lieutenant-colonel duly elected, in addition to the officers allowed to a separate battalion.

Section twenty-three of chapter two of the General Statutes shall not apply to any officer to be appointed under the provisions of this act.

To every company there shall be one clerk. To each of the companies of cadets in Boston and Salem, there shall be one commanding officer with the rank of lieutenant-colonel, one major, one surgeon with the rank of major, one captain, who shall in addition to his other duties be paymaster; one adjutant and one quartermaster, each with the rank of first lieutenant, one sergeant-major, one quartermaster-sergeant, one hospital steward and such number of company officers not exceeding six first lieutenants and four second lieutenants, together with such number of non-commissioned officers, musicians and privates, as the commander-in-chief may from time to time deem expedient for instruction in the school of the battalion. These companies of cadets shall be instructed, armed and equipped, and receive the same compensation and allowances as battalions of infantry; they may be attached to the same or to separate divisions, or remain unattached as the commander-in-chief shall direct.

Companies of cavalry and artillery when attached to brigades, as provided in the succeeding section, shall be entitled to an adjutant and one assistant-surgeon each, with the rank of first lieutenant, to be appointed by the commanding officers of said companies respectively, and commissioned by the commander-in-chief, and to hold their commissions, as other staff officers now do, or until the companies to which they are attached are organized into battalions or regiments of the same arm; and an adjutant and assistant-surgeon so appointed and commissioned shall receive the same compensation as is allowed

Officers of battalion.

Officers of cadet companies.

Staff officers of companies cavalry and artillery when attached to brigades.

to other officers of such companies; such companies shall also be allowed a quartermaster-sergeant and a commissary-sergeant, who shall be paid as non-commissioned staff officers of regiments.

Volunteer militia to be arranged into divisions, brigades, &c., and numbered.

SECTION 19. The commander-in-chief may arrange the volunteer militia, when they exist in sufficient numbers and are conveniently located, into divisions, brigades, regiments and battalions, conformably to the laws of the United States, and make such alterations as from time to time may be necessary. Each division, brigade, regiment and battalion shall be numbered at the formation thereof, and a record thereof made in the office of the adjutant-general.

Companies of cavalry and artillery inconveniently located for such organization, may be attached to such brigades as the commander-in-chief shall order.

Companies attached to divisions or brigades, and not to regiments, shall, until otherwise organized, be subject to the immediate orders of the commanders of such divisions or brigades, who shall receive the returns and orders, have the authority and perform the duties, with regard to such companies, which are prescribed for the commanders of regiments, and battalions with regard to their companies.

Officers of the line to be elected.  
Major-generals.

Brigadier-generals.

Field officers.

Captains and subalterns.

SECTION 20. The officers of the line of the militia shall be elected as follows:—Major-generals, by the senate and house of representatives, each having a negative upon the other. Brigadier-generals, by the written votes of the field officers of the respective brigades. Field officers of regiments and battalions, by the written votes of the captains and subalterns of the companies of the respective regiments or battalions; captains and subalterns of companies, by the written votes of the non-commissioned officers and privates of the respective companies. But no officer, under major-generals, so elected, shall be commissioned for a period beyond thirty days till he shall be approved by an examining board as provided in the following section. And any regimental commander, with the approval of the brigade commander, may direct any officer under him already in commission, or the commander-in-chief may order any officer below the rank of major-general, to appear before said board, and if such officer cannot pass said board, his commission shall be considered as vacated



on the filing of the proper certificate of said board with the adjutant-general.

SECTION 21. All officers elected as provided in the preceding section, shall at once, upon the receipt of the conditional commission, as therein provided, appear before an examining board to consist of the judge-advocate-general and two persons well qualified as to military matters, to be designated by the commander-in-chief. The board shall examine the candidate for a full commission as to his military and general qualifications, and if in their opinion he is duly qualified, the fact shall be properly certified, and he be entitled to a full commission, which shall be issued forthwith by his excellency the governor.

Officers elected to appear before an examining board.

SECTION 22. The staff officers of the militia shall be appointed in manner following:—The staff of the commander-in-chief by the commander-in-chief; the staff of a major-general commanding a division, by the major-general; the staff of a brigade commander by the brigadier-general commanding the brigade; the regimental staff by the colonel of the regiment; the battalion staff and the staff officers of the cadet companies by their respective commanding officers. No surgeon or assistant-surgeon shall be commissioned until he shall have furnished satisfactory evidence to the commander-in-chief that he is competent to perform the duties of his office.

Staff officers.

Surgeons to furnish evidence of competency.

SECTION 23. The non-commissioned staff shall be appointed in manner following:—That of a regiment by the commander of the regiment; that of a battalion and of the companies of cadets by their respective commanders. Non-commissioned officers of companies, by the respective captains, who shall forthwith return the same in writing to the commanding officer of the regiment or battalion. Clerks by the commanding officers of the respective companies.

Non-commissioned staff officers.

Every non-commissioned officer's warrant shall be given and signed by the commanding officer of his regiment or battalion. Clerks shall have their appointments certified on the back of their warrants by the commanding officers of their respective companies.

In case no one will accept the office of clerk of company, the commanding officer of the company may detail a member to act as such, but not for a period exceeding three months. In such cases the records shall be under the direct supervision of the commander.

Officers to take rank according to date of commission.

SECTION 24. Commissioned officers shall take rank according to the date of their commissions. When two of the same grade bear an even date, the rank shall be determined by lot drawn before the commander of the division, brigade, regiment, battalion, company or detachment. The day of the appointment of an officer shall be expressed in his commission, and considered as the date thereof. When he is transferred to another corps or station of the same grade, the date of the original appointment shall be expressed and considered the date of his commission.

When an office is vacant, the officer next in rank shall command.

SECTION 25. When the office of major-general, brigadier-general, colonel, lieutenant-colonel, major or captain is vacant, or such officer is sick or absent, the officer next in rank shall command the division, brigade, regiment, battalion or company, until the vacancy is supplied.

If a company is without officers, an officer to be detailed to command it.

SECTION 26. When a company is first enrolled, and an election of officers is ordered, if such company neglects or refuses to elect any officer, or the persons elected shall not accept or be commissioned, or if from any cause the company be without officers, the commander of the regiment or battalion to which it belongs shall detail some officer of the staff or line of the regiment to train and discipline said company until some officer is elected or appointed by the commander-in-chief. Such officer shall have the same power, and be subject to the same liabilities, as if he were captain of said company; shall keep the records of the company, and prosecute for all fines and forfeitures, in like manner as a company commander might do; and all meetings of such company shall be notified as provided in section ninety-one.

Major-generals to be notified of their election.

SECTION 27. Major-generals shall be notified of their election by the secretary of the Commonwealth, and, unless within thirty days after such notice they signify to the secretary their acceptance of office, shall be taken to have refused the same.

Major-generals to order elections to fill vacancies.

SECTION 28. Major-generals of division shall order elections to fill all vacancies which occur in their respective divisions, in the office of brigadier-general, field officer, captain or subaltern. Such elections shall be held at the place most convenient for the majority of the electors, and shall be ordered throughout each division at least once in each year; the elections of company officers first, and those of field officers next.

SECTION 29. Electors shall be notified of elections at least four days previously thereto. A non-commissioned officer or private unnecessarily absent from company election, shall forfeit one dollar, to be recovered on complaint of the company commander, and he shall also be liable to punishment for neglect of duty.

Electors to have four days' notice.  
Penalty for absence.

SECTION 30. Officers ordering elections may preside, or detail some officers of suitable rank to preside, and in case no officer of sufficient rank resides within the county where such election is to be held, the chairman of the selectmen of the town in which such company is organized may preside at such election.

Presiding officers at elections.

SECTION 31. A captain or staff officer of the rank of captain, may preside at the election of an officer of equal or inferior grade within the limits of his regiment or battalion; but no candidate for the vacancy shall preside at the election, except to adjourn the meeting if no proper officer appears to preside.

A captain may preside at election of captain or subaltern.

At all elections such presiding officer shall keep a record of the proceedings, and make return thereof to the commanding officer of the battalion, regiment, brigade or division, as may be proper. If the company is unattached, such return shall be made to the adjutant-general.

SECTION 32. The person who has a majority of the written votes of the electors present at a meeting duly notified, shall be deemed elected, and the presiding officer shall forthwith notify him of his election, and make return thereof, or of neglect or refusal to elect, to the commander of the division. Every person so elected and notified, shall accept, if a brigadier-general or field officer, within ten days, or if a company officer, within three days; otherwise he shall be taken to have refused. If before the meeting for the election of any officer is dissolved, the person chosen signifies to the presiding officer his refusal to accept, the same shall be recorded and make part of the return, and the electors shall proceed to another election. Elections may be adjourned, not exceeding twice, and each adjournment for a period not exceeding two days; but no election shall be legal unless it is notified in the manner prescribed in section twenty-nine, or at any adjournment of a meeting so notified, not exceeding four days.

Officers to be elected by a majority vote.

The roster of the brigade, regiment or battalion, or the

roll of the company, as the case may be, shall be produced at such elections, by the person having the legal custody thereof.

Return of election to be made to the adjutant-general within three days.

SECTION 33. The presiding officer at any election shall make a certified return of such election, within three days thereafter, to the adjutant-general, for the information of the commander-in-chief.

If electors neglect to fill vacancy, commander-in-chief may appoint.

SECTION 34. When the electors neglect or refuse to elect to fill a vacancy, the commander-in-chief shall appoint a suitable person. The commanding officer of the division shall return all elections, and refusals or neglect to elect, to the commander-in-chief, and unless he is notified by the commander in chief of his intention to make an appointment, he may, if necessary, order a new election.

Company neglecting may be disbanded.

SECTION 35. If a company is without commissioned officers, and, having been twice ordered to fill vacancies, neglects or refuses to fill them, such company shall be forthwith disbanded by the commander-in-chief.

Acceptance of an office to vacate any before held.

SECTION 36. When an officer holding a military commission is elected or appointed to another office in the militia, and accepts the same, such acceptance shall constitute a part of the return of the presiding officer, and shall vacate the office previously held, but such officer may continue to serve until his successor is qualified in his stead.

Transmission of commissions.

SECTION 37. Commissions shall be transmitted to the commanding officers of divisions, and by them through the proper officers, to the officers elect.

Upon non-acceptance new election to be ordered.

SECTION 38. When a person elected or appointed to an office refuses to accept his commission or qualify at the time of acceptance, the major-general shall certify the fact on the back thereof, and return it to the adjutant-general; and if the office is elective a new election shall be ordered.

Soldier on duty not to be arrested on civil process.

SECTION 39. No officer or soldier shall be arrested on civil process while going to, remaining at, or returning from a place where he is ordered to attend for election of officers or military duty.

Officers to be sworn.

SECTION 40. Every commissioned officer, before he enters on the duties of his office or exercises any command, shall take and subscribe before a justice of the peace, or general or field officer who has previously taken and subscribed them himself, the following oaths and declarations :—

"I, A B, do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God." Form of oath.

"I, A B, do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as , according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

"I, A B, do solemnly swear that I will support the constitution of the United States. So help me, God."

And on the back of every commission the following certificate shall be printed and signed by the person before whom such officer is qualified :—

"This may certify that A B, commissioned as within on this day of , A. D. , personally appeared and took and subscribed the oaths required by the constitution and laws of this Commonwealth and a law of the United States, to qualify him to discharge the duties of his office. Certificate of qualification.

Before me, ."

SECTION 41. Every clerk of a company, before he enters upon his duties, shall take the following oath before the commanding officer of the company to which he belongs, viz. :— Clerk to be sworn.

"I, A B, do solemnly swear that I will faithfully and impartially perform all the duties incumbent on me, as clerk of the company to which I belong, according to the best of my abilities and understanding. So help me, God." Form of oath.

The commander of such company shall, at the time of administering the oath, certify on the back of the warrant of the sergeant appointed to be clerk that he was duly qualified by taking the oath required by law. Certificate.

SECTION 42. When an officer requests in writing his discharge from office, with the approval of the commanders of the regiment or battalion, brigade and division to which he belongs, the commander-in-chief may discharge him. If such officer belong to an unattached company he may be discharged in the same manner with the approval of the adjutant-general. Discharge of officer upon his own request.

SECTION 43. No commanding officer shall approve a resignation under the preceding section, unless the reasons for such resignation are urgent and proved to his satisfaction; and the rolls, orderly book, roster documents, and all other military property belonging to the Commonwealth in the custody of the officer resigning shall, before Resignations not to be approved unless reasons are satisfactory.

his discharge is delivered to him, be deposited with the officer having a right to the custody of the same.

If an officer unreasonably refuses to approve an application for discharge, and it is so made to appear to the commanders above him, they may approve the same, and the commander-in-chief may discharge the applicant.

Officers may be discharged by the commander-in-chief in certain cases.

SECTION 44. No officer, other than a staff officer appointed by the commander-in-chief, shall be discharged by the commander-in-chief, unless upon his own request, except as follows:—When it appears to the commander-in-chief that he has become unable or unfit to discharge the duties of his office, or to exercise proper authority over his inferior officers and soldiers, or that he has been convicted of an infamous crime; when the commander of his brigade certifies that he has, either before or after receiving his commission, removed his residence out of the bounds of his command to so great a distance that in the opinion of such commanding officer it is inconvenient to exercise his command; when such commander certifies that he has been absent from his command more than one year without leave; upon address of both houses of the legislature to the governor; upon sentence of competent military tribunal, after trial according to law; when the corps to which he belongs is disbanded; or when it shall appear that such officer has heretofore been dishonorably discharged from the service of the United States or the militia of this Commonwealth, or fails to pass a successful examination before the board provided for in section twenty-one, in which cases he may be so discharged; and all staff officers may be discharged upon the request in writing of their commanding officers, by the commander-in-chief. Every officer, except when under arrest, shall perform the duties of his office until he is discharged.

Discharge by appointment in the U. S. army or navy.

SECTION 45. When an officer accepts an appointment in the army or navy of the United States, his office shall thereby become vacant; and if, after accepting such appointment, he exercises any of the powers and authority of such office, he shall forfeit not exceeding three hundred dollars.

Tenure of office of staff officers.

SECTION 46. The commissions of staff officers appointed by any other officer than the commander-in-chief shall expire as soon as the successor of such appointing officer is commissioned. Staff officers appointed by the commander-in-chief shall hold their offices for one year

and until their successors are appointed and qualified, but may be removed at any time by the commander-in-chief.

SECTION 47. Officers under arrest shall not resign, but shall be suspended from exercising the duties of office.

Officers under arrest not to resign.

SECTION 48. A non-commissioned officer or clerk of a company may resign his office to the commanding officer of his company, who may accept such resignation; non-commissioned officers of companies may be reduced to the ranks by the company commanders for proper cause, on approval of the commander of the regiment or battalion.

Resignation of non-commissioned officers.

SECTION 49. The commander of a regiment, battalion or unattached company, may raise by voluntary enlistment, and warrant and organize, within the limits of his command, to be under his direction and command at encampments, or at any parade ordered by the commander-in-chief, a band of musicians, not to exceed eighteen, inclusive of a master and deputy-master. The master, and in his absence the deputy-master, shall teach and command the band and issue all orders directed by such commander. Each member of the band shall keep himself provided with such uniform as may be directed by the commander-in-chief, and such instrument as the commander of his regiment or battalion prescribes, under penalty for each neglect, or deficiency, or for misconduct, of dismissal from the band by such commander, and of not less than ten nor more than twenty dollars, to be recovered on complaint by the adjutant or company commander. Members of bands need not be mustered in as provided for enlisted men, unless by special orders of the commander-in-chief.

Bands for regiments, battalions and unattached companies.

SECTION 50. The adjutant-general shall distribute all orders from the commander-in-chief; attend all public reviews when the commander-in-chief shall review the militia, or any part thereof; obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by the laws of the state and of the United States; furnish blank forms of the different returns and rolls that may be required, and explain the principles on which they should be made; prescribe forms of oath for muster-in of men; distribute all books required to be furnished at the public expense; receive from the several officers of the different corps throughout the state returns of the militia under their command, reporting the actual condition of their uniforms,

Adjutant-general to distribute all orders from the commander-in-chief.

arms, accoutrements and ammunition, their delinquencies and every other thing which relates to the general advancement of good order and discipline, all of which the several officers of the divisions, brigades and regiments are hereby required to make in the usual manner, so that the adjutant-general may be furnished therewith; and from all said returns he shall make proper abstracts and lay the same annually before the commander-in-chief; and he shall annually, on or before the first Monday in January, make a return in duplicate of the militia of the state, with the condition of their uniforms, arms, accoutrements and ammunition, according to such directions as he may receive from the secretary of war of the United States, one copy of which he shall deliver to the commander-in-chief, and the other of which he shall transmit to the president of the United States.

To make an annual report to the commander-in-chief.

Quartermaster-general to purchase and issue ordnance stores and other military property.

SECTION 51. The quartermaster-general, under the direction and supervision of the commander-in-chief, shall purchase and issue all ordnance stores, artillery, arms, and accoutrements, clothing, camp equipage and military stores generally, except such as are expressly directed by law to be purchased by other officers. He shall, under the orders of the commander-in-chief, procure and provide means of transport for the militia, and for all its implements, munitions of war and military supplies, and shall be the keeper of the public magazines and of all military property of the Commonwealth, excepting such as is by law expressly intrusted to the keeping of other officers. He shall give bond to the state in the penal sum of twenty thousand dollars, with two sureties at least, to be approved by the governor and council, conditioned faithfully to discharge the duties of his office; to use all necessary diligence and care in the safe-keeping of military stores and property of the Commonwealth committed to his custody; to account for the same, and deliver over to his successor, or to any other person authorized to receive the same, such stores and property. And any other officer to whom any arms, equipments, stores or other property of the Commonwealth shall at any time be issued, may be required to give a bond to the satisfaction of the governor and council, with the like condition.

To be keeper of the public magazines, &c.

To give bond.

Surgeon-general to purchase and issue medical supplies.

SECTION 52. The surgeon-general, under the direction and supervision of the commander-in-chief, shall purchase and issue all medical, surgical and hospital supplies, and



perform all such other duties appertaining to his office as the commander-in-chief shall from time to time direct.

Surgeons of brigades, regiments, battalions or other organizations shall, after each tour of duty, and within ten days thereof, report to the surgeon-general, through proper channels, of all that pertains to their office which relates to such duty.

SECTION 53. The adjutant-general, quartermaster-general and surgeon-general shall account as often as may be required by the commander-in-chief, and at least once yearly, to the commander-in-chief, in such manner as he shall prescribe, for all property which shall have passed through their hands, or the hands of the subordinate officers of their respective departments, or that shall be in their care or possession, and for all moneys which they shall expend in discharging their respective duties; and they shall annually, in January, lay before the auditor accounts with vouchers of their expenditures during the previous year.

Adjutant-general, quartermaster-general and surgeon-general to render yearly accounts.

SECTION 54. Neither the adjutant-general, quartermaster-general or surgeon-general, nor any assistant of either of them, nor any subordinate officer of their departments, shall be concerned, directly or indirectly, in the purchase or sale of any article intended for, making a part of, or appertaining to their respective departments, except for and on account of the Commonwealth, nor shall they or either of them take or supply to his or their own use any gain or emolument, for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

Adjutant-general, &c., not to be interested in purchase of articles for their departments.

SECTION 55. When the service will permit, the commander-in-chief may require the duties imposed upon the quartermaster-general by this act to be performed by any member of his staff, who shall in that case give a bond to the state in like manner as is required of the quartermaster-general.

Duties of quartermaster-general may be performed by another member of staff.

The inspector-general, or some assistant inspector-general detailed by the commander-in-chief, shall twice in each year, and oftener if deemed necessary, carefully inspect all the state property in the possession of the militia.

Property in hands of militia to be inspected biennially.

SECTION 56. All commissioned officers shall provide themselves with such uniforms and arms complete as the commander-in-chief shall prescribe, subject to such restrictions, limitations and alterations as he may order.

Officers to provide themselves with uniforms and arms.

Every officer shall hold his uniform, arms and accoutrements, required by law, free from all suits, distresses, executions or sales, for debt or payment of taxes.

Companies to be supplied with uniforms, &c.

SECTION 57. Every company of cavalry, artillery, cadets and infantry duly organized under the militia laws of the Commonwealth, shall be furnished, at the expense of the Commonwealth, with such uniforms, arms and equipments as are required for the performance of military duty in the manner prescribed by the provisions of this act, upon the written requisition of the commanding officer of such companies respectively, approved by the regimental commander.

Uniform to be prescribed by the governor and council.

SECTION 58. Each arm of the service shall be uniformed by a regulation uniform to be prescribed by the governor and council.

No company now in the service shall be uniformed as herein provided, until it shall be reorganized on the basis of this act as provided in section fifteen, and no uniforms shall be issued to such companies till those now in use shall have been inspected and condemned by the assistant inspector-general and assistant quartermaster of the brigade to which such company belongs; such inspection and condemnation being subject to the approval of the brigade commander and of the commander-in-chief.

Uniforms not to be issued until those in use are condemned.

SECTION 59. Uniforms shall not be issued hereafter to any company, except new organizations, till those in use are condemned as provided in preceding section.

Uniforms, &c., continue to be the property of the Commonwealth.

SECTION 60. The uniforms, arms and equipments so furnished shall remain and continue to be the property of the Commonwealth, to be used for military purposes only; and such as shall not have been properly expended in such use, shall be returned, when called for by proper authority; or if the same is wilfully or negligently wasted or destroyed by an officer or company, the commander-in-chief may, upon satisfactory evidence to that effect, dishonorably discharge the officer and disband the company.

Uniforms to be turned over to the regimental quartermaster when company is disbanded.

SECTION 61. Any militia company which has been uniformed under the provisions of chapter three hundred and thirty-two of the acts of the year one thousand eight hundred and sixty-nine, or under this act, and which shall hereafter be disbanded, shall turn its uniforms over to the quartermaster of the regiment to which the disbanded company is attached; such uniforms to be held by the quartermaster, subject to the direction of the quarter-

master-general for the use of any company which may be organized to take the place of the disbanded company, or for the supply of recruits to any companies in the service of the state; but if such uniforms are inspected and condemned as provided in section fifty-eight, they may be sold by the quartermaster-general, and the proceeds paid into the treasury of the Commonwealth.

Regiments, battalions, or unattached companies, may, however, adopt any other uniform than that prescribed by the governor and council, if they see fit, but at their own expense; such uniforms shall be approved by a majority of the commissioned officers of such organizations and by the commander-in-chief, but such uniforms shall not be worn by troops on duty, by order of the commander-in-chief, or at any other time except by his permission.

SECTION 62. Every commanding officer of a company, upon making a requisition upon the quartermaster-general or other officer charged with the custody of the military property of the Commonwealth, for the uniforms, arms and equipments required for the use of his company, shall furnish to the officer upon whom the requisition is made, a schedule of the articles of military property required, and no such uniforms, arms or equipments shall be issued to, or for the use of, any company, unless the said company shall have at least forty-eight officers, non-commissioned officers and privates actually belonging thereto, and duly enrolled and mustered for the performance of active duty.

SECTION 63. Upon delivery of uniforms, arms and equipments, the officer receiving the same shall receipt therefor in duplicate in manner following, to wit:—

“I, A B, (rank) of company \_\_\_\_\_, of the \_\_\_\_\_ regiment, \_\_\_\_\_ brigade, \_\_\_\_\_ division (or unattached company, as the case may be), of the militia of Massachusetts, do hereby acknowledge that I have received of C. D. (adjutant-general, quartermaster-general or ordnance officer, as the case may be,) the several articles of military property set forth in the schedule hereto annexed, to be used by said company for the performance of military duty in conformity with the laws of this Commonwealth, and for no other purpose.”

SECTION 64. All arms, equipments and military property of every description, which shall be furnished to the several companies under the provisions of this act, shall be deposited in the armories of said companies re-

Regiments, &c., may adopt any other uniform at their own expense, with the approval of the commander-in-chief.

Schedule of articles required to be furnished by the officer making the requisition.

Receipt to be given by officer upon delivery of arms, &c.

Military property furnished by the state to be deposited in armories.

spectively, for safe-keeping, and be used only for the performance of military duty according to law.

All articles received for use to be returned to the armory within three days after tour of duty.

SECTION 65. It shall be the duty of every officer, non-commissioned officer and soldier, to return to the armory or other place of deposit each article of military property of the Commonwealth issued to, and received by him for use in the military service, and not properly expended, within three days after such tour of duty, or forthwith upon order of his commanding officer. And the possession of any article of such property by the person to whom it was issued, not being in the armory or designated place of deposit, shall be deemed and taken to be *prima facie* evidence of embezzlement of such article of property by the person to whom it was issued, and he shall be liable to be punished therefor upon conviction, or judged as provided in section one hundred and sixty-five.

Every officer and soldier held personally responsible for articles of property delivered to them.

SECTION 66. Every officer, non-commissioned officer and soldier, to whom a uniform or other article of military property shall be delivered, in pursuance of the provisions of this act, shall be held personally responsible for its care, safe-keeping and return; he shall use the same for military parades only, and upon receiving a discharge or otherwise leaving the military service, or upon the written demand of his commanding officer, shall forthwith surrender and deliver up the said uniform, together with all other articles of military property that may be in his possession, to the said commanding officer, in as good order and condition as the same were at the time he received the same, reasonable use and ordinary wear thereof excepted.

Penalty for wilfully injuring military property of the state.

SECTION 67. Whoever shall wilfully or maliciously destroy, injure or deface any uniform or other article of military property belonging to the Commonwealth, or shall retain any property in violation of the provisions of the preceding section, shall be punished by a fine not exceeding double the amount of the value of such uniform or other property so injured, destroyed, defaced or retained, to be recovered on complaint of the commander of the company to which such delinquent belongs, as provided in section one hundred and sixty-five; and he shall be imprisoned in the house of correction until such fine is paid, or until he shall be discharged therefrom by process of law.

Uniforms, &c., not to be used except upon parades.

SECTION 68. Whoever uses or wears, except upon public parades or by special permission of his command-

ing officer, any uniform or other article of military property, belonging to the Commonwealth, shall be punished Penalty. by a fine not exceeding twenty dollars for every such offence, to be recovered in manner referred to in the preceding section.

SECTION 69. Any officer receiving public property for military use, shall be accountable for the articles so received by him, and shall not be honorably discharged from the service until he has returned to the adjutant-general a receipt from his successor in command, or a proper accounting officer, for the articles issued to him, in good order and condition, reasonable use and wear thereof excepted, or shown to the adjutant-general by satisfactory proof, that any article not so accounted has been properly expended in the service, or defaced, injured, lost or destroyed, without any default or neglect on his part; and if lost, or wilfully defaced or destroyed through the misconduct of any person, that reasonable efforts have been made by him to recover or prosecute for the same. And in addition he shall be liable to make good to the Commonwealth all such property so defaced, injured, destroyed or lost by any neglect or default on his part, and for the recovery of which he has made no reasonable effort, to be recovered in an action of tort, to be instituted by the judge-advocate of his division, by order of the adjutant-general, in the name of the Commonwealth.

SECTION 70. Whenever any corps or detachment of the militia is ordered to perform any duty requiring the use thereof, the quartermaster-general shall deliver to the commanding officer of such corps or detachment, upon his requisition, duly approved, such tents, fixtures and other camp equipage, and such ammunition as may be necessary for the discharge of such duty; and each officer to whom such property is delivered, shall be responsible for the safe-keeping of the same, which shall not have been properly expended, and return said property to the quartermaster-general, when the duty shall have been performed for which the same was issued, together with a correct list of the same; and it shall be the duty of every officer having property delivered to him on his requisition, or receiving the same, on the first day of December, annually, to make to the chief of the department from which such property shall have been issued, a full return of all property so received by him, and for which he is by law accountable.

Officer not to be honorably discharged until he has accounted for all articles received by him.

Camp equipage and ammunition to be furnished by the state.

Colors for regiments and battalions.

SECTION 71. Each regiment and battalion shall be furnished by the state with the national and state colors, their staffs, belts and sockets, and the commander of such regiment or battalion shall be responsible for their safe-keeping.

Musical instruments.

SECTION 72. Each company of militia shall be furnished with such instruments of music as the commander-in-chief shall order.

Commanders of brigade may make requisition for colors and instruments of music.

SECTION 73. Each commander of a brigade may make requisitions upon the quartermaster-general, or officer acting as such, in favor of the commanders of regiments, battalions and companies, for colors and instruments of music. Commanders of companies shall be responsible for the safe-keeping of the instruments delivered to them for the use of their companies.

Companies to be furnished with arms and equipments when armory has been provided.

SECTION 74. Each company of the volunteer militia, on application of the commander thereof to the adjutant-general, and producing satisfactory evidence that a suitable armory or place of deposit is provided therefor, agreeably to section eighty-three, shall be furnished with such appropriate arms and equipments as shall be determined by the commander-in-chief.

Officers to exercise strictest care of property furnished to their companies.

SECTION 75. It shall be the duty of the commissioned officers of every company of the volunteer militia respectively to exercise the strictest care and vigilance for the preservation of the uniforms, arms, equipments and military property furnished to their several companies under the provisions of this act; and in case of any loss thereof or damage thereto, by reason of the wilful neglect or default of such officers, or either of them, to exercise such care and vigilance, he or they shall be held to make compensation therefor, to be recovered by an action of contract brought by the quartermaster-general against all or any of such officers; which action it shall be the duty of the judge-advocate of division, at the request of the quartermaster-general, to bring.

Relieved from responsibility upon accounting for property.

SECTION 76. In case of the discharge or death of an officer, he or his legal representative shall be relieved from responsibility for the safe-keeping, preservation and return of the military property furnished to and in the possession of such officer by provisions of law, upon complying with the provisions of law relating to the accounting for public military property.

When company is disbanded officers respon-

SECTION 77. Upon the disbandment of a volunteer company which has received uniforms, arms, equipments

or equipage from the quartermaster-general, in accordance with the provisions of this act, the commissioned officers of such company shall be responsible for the safe return to the custody of the quartermaster-general of all public property in possession of said company; and for any loss or damage thereto compensation may be obtained in manner provided in section seventy-five.

SECTION 78. Each company of artillery shall be provided by the quartermaster-general with the battery of manœuvre prescribed for that arm by the war department of the United States; with caissons, harness, implements, laboratory and ordnance stores, which may, from time to time, be necessary for their complete equipment for the field, and, when target-practice is expedient in the opinion of the commander-in-chief, such quantity of ammunition annually as he deems necessary to be expended in experimental gunnery. The commissioned officers of each company shall be held accountable for the preservation of the pieces, apparatus and ammunition aforesaid, and for the proper expenditure of the ammunition.

SECTION 79. The commanding officer of such company, when it is ordered to march out of the city or town where the gun-house is situated, and on occasions of parade for experimental gunnery or camp duty, shall provide horses to draw the field-pieces and caissons, and present his account of the expense thereof, as provided in section one hundred and thirty-nine. On all other occasions, when ordered out by an officer of competent authority for camp or salute duty, the charges for horses, powder and necessary expenses, shall be defrayed by the quartermaster-general.

SECTION 80. The commissioned and non-commissioned officers of the volunteer militia shall be furnished with such books of instruction in tactics and army regulations as the commander-in-chief shall deem expedient, which books shall continue to be the property of the Commonwealth, and shall be carefully kept and delivered by such commissioned and non-commissioned officers to their successors.

SECTION 81. The commander-in-chief, with the advice and consent of the council, may sell or exchange, from time to time, such military stores belonging to the quartermaster-general's department as are found unserviceable or in a state of decay, or which they think it for the interest of the state to sell or exchange.

responsible for return  
of property.

Artillery to  
be furnished as  
prescribed by  
U. S. war de-  
partment.

Charges for  
horses, &c.,  
when company  
is ordered out  
for duty.

Books of tactics  
and army regu-  
lations.

Military stores  
may be sold or  
exchanged.

Arsenal to be visited by committee of the legislature.

SECTION 82. The committee of the legislature on the militia shall annually visit the arsenal or state camp-ground and storehouses, and make a thorough examination into the condition of the same, of the arms and munitions of war and other property of the state or general government deposited there, and report the condition of the arsenal and property to the legislature for that year.

Armories to be provided by cities and towns.

SECTION 83. The mayor and aldermen and selectmen shall provide for each company of the volunteer militia within the limits of their respective cities or towns a suitable armory, for the deposit and safe-keeping of the arms, equipments, uniforms and other military property furnished it by the state, and for the purposes of drill, and shall also provide suitable places for the parade, target-practice and company-drill of the militia belonging to their respective cities and towns. They shall also provide for the headquarters of each regiment or battalion, a majority of the companies of which shall be within their respective limits, a suitable room for the keeping of books, the transaction of business and the instruction of officers. Cities and towns in which batteries are located are hereby authorized to raise money, by taxation or otherwise, for the purpose of erecting suitable armories. When a company is formed from different places, the location of such armory shall be determined by a majority of its members, subject to the approval of the adjutant-general. Armories provided for the militia shall not be used for any purpose whatever other than the legitimate uses of the companies occupying them, and the commander of any company who shall allow the armory of his company to be let for other than the use of his company, unless by approval of the commander-in-chief, shall be liable to a fine of two hundred dollars, to be recovered, on complaint, by the adjutant-general.

Regimental and battalion headquarters to be provided.

Amount paid for armory rent to be certified to the adjutant-general.

SECTION 84. The mayor and aldermen of cities and selectmen of towns shall annually, in October or November, transmit to the office of the adjutant-general a certificate, verified by the oath or affirmation of at least two of their board, showing the name of each company furnished with an armory, and of each regiment or battalion furnished with headquarters, the amount paid for the rent thereof, and stating that a majority of their board consider such armory or headquarters necessary for the use of such command, and that the rent charged therefor is fair and



reasonable, according to the value of real estate in their place.

SECTION 85. The adjutant-general shall annually examine all certificates so returned to his office, institute any inquiries he deems expedient relative thereto, and allow them in whole or in part, to an amount not exceeding six hundred dollars for one company of infantry, artillery or cavalry, and not exceeding three hundred dollars for each regimental or battalion headquarters. He shall, within ten days after such examination, file in the office of the auditor his certificate, stating the sums allowed, the name of the command for whose use each sum is allowed, and the place to which it belongs; and shall thereupon notify the mayor, aldermen or selectmen of the sum allowed to their place, which sum shall be paid upon the warrant of the governor to such mayor and aldermen or selectmen.

Claims for rent  
to be audited  
and paid.

SECTION 86. A city or town receiving from the treasury of the Commonwealth, by reason of a false return or certificate, under section eighty-four, any money to which such place is not entitled, shall forfeit a sum not exceeding four times the amount of money so received.

Penalty for false  
certificate.

SECTION 87. The commander-in-chief may at any time detail an officer to examine any armory and report the condition thereof, and of the arms, equipments and equipment therein deposited.

Armory and  
arms may be ex-  
amined at any  
time.

SECTION 88. Orders from the commander-in-chief shall be distributed by the adjutant-general; division orders and brigade orders by their respective assistant adjutants-general; regimental and battalion orders by the adjutant; company orders by the clerk or by any non-commissioned officer or private when so required by the commanding officer. General, division, brigade, regimental and battalion orders may, in cases of emergency, be transmitted by telegraph; and all such orders so transmitted shall be deemed to have been legally transmitted within the meaning of this act. When any such order shall be transmitted by telegraph, a copy thereof shall be immediately forwarded by mail.

Distribution of  
orders.

SECTION 89. When a commander orders out his company for military duty, or for election of officers, he shall order one or more of the non-commissioned officers or privates to notify the men belonging to the company to appear at the time and place appointed. Such non-com-

Notification of  
members of  
companies or-  
dered out for  
duty.

missioned officer or private shall give notice of such time and place to every person whom he is ordered to notify; if he fails so to do, he shall forfeit not less than twenty nor more than one hundred dollars, to be recovered on complaint of the commander of the company, as provided by law.

Notice to be given verbally, or left at usual place of abode.

SECTION 90. No notice shall be legal, unless given by such non-commissioned officer or private to each man verbally, or by delivering to him in person or leaving at his usual place of abode a written or printed order signed by such officer or private, four days at least previous to the time appointed; but in case of invasion, insurrection, riot, or an unforeseen or sudden occasion, a verbal, written or printed notice, however short, shall be legal. When a company is paraded, the commanding officer may verbally notify the men to appear at a future day, not exceeding thirty days from the time of such parade, which shall be sufficient notice as respects the persons present; and all commanders of companies may on parade, read division, brigade or regimental orders, and notify the soldiers of their several commands to appear as by such orders required; which notice shall be a sufficient warning.

Notification of companies without commissioned officers.

SECTION 91. When a company is without commissioned officers, the commander of the regiment or battalion to which it belongs, or the officer detailed by him to discipline the same as provided in section twenty-six, shall in writing order any non-commissioned officers or privates to notify the persons liable to do duty in such company, to appear for duty required by law, at the time and place mentioned in such order; and if a non-commissioned officer or private refuses or neglects so to notify, he shall forfeit not less than twenty nor more than one hundred dollars, to be recovered on complaint by the commander thereof.

Clerks of companies to record orders, &c.

SECTION 92. Clerks of companies shall record in the orderly book company orders and notifications; but such record shall not be necessary to the recovery of a penalty; and the records of clerks shall at all proper times be open to the inspection of members of the company.

System of discipline.

SECTION 93. The system of discipline and field-exercise ordered to be observed by the army of the United States, in the different corps, or such other system as may hereafter be directed for the militia by laws of the United States, shall be observed by the militia.

SECTION 94. The volunteer militia shall parade by companies, unless otherwise ordered, annually, on the last Wednesday in May, for inspection, company-drill and manœuvre, and also for target-practice, and for this purpose the quartermaster-general is hereby authorized to issue upon the requisition of the commanding officers of companies respectively the necessary ammunition. The commander-in-chief may, by general or special orders or regulations, direct that the parade in May, of the volunteer militia, or of any portion thereof, be by companies, battalions, regiments or parts of regiments, as he may deem expedient, or as may be directed by the commanding officers of the respective divisions, brigades, regiments or battalions; and he may by general orders authorize regimental and battalion commanders, in their discretion, to order the May parade on Decoration Day, so called.

Annual parade for inspection on the last Wednesday in May, or Decoration Day.

SECTION 95. The commanding officer of every regiment, battalion or detached company may order out the commissioned and non-commissioned officers under his command, for elementary drill, two separate days, between the middle of May; and the middle of July in each year, at such place as he shall deem most convenient; and if the place of any such commissioned or non-commissioned officer in any company shall be vacant from any cause, it shall be the duty of the commanding officer of such company to detail from the enlisted men under his command a number sufficient to make up the complement of commissioned and non-commissioned officers to which by law his company is entitled.

Elementary drill.

And each person so ordering and so ordered, that shall attend any such drill, shall receive for his service the sum of two dollars.

Compensation.

SECTION 96. The amount to which each person is entitled as aforesaid, shall be certified to the adjutant-general, under oath, by the commanding officer of each regiment, battalion or detached company, and the same shall be paid from the treasury of the Commonwealth, as follows, viz.: That portion for commissioned officers, non-commissioned officers and enlisted men of companies, to the commanding officers thereof, and that portion for field and staff officers of regiments or battalions, to the commanding officers thereof respectively, to be by them paid over to the parties entitled thereto.

Amount of compensation to be certified to the adjutant-general under oath.

Companies of regiment located within radius of three miles may be ordered for evening drill, &c.

SECTION 97. The commander of any regiment or battalion, whose companies are located within a radius of three miles, is authorized to assemble said companies or the officers thereof, for evening drill, instruction, inspection or other business, at such times as he may judge best for the promotion of discipline in his command; and commanders of all regiments, battalions or detached companies are authorized to order inspections whenever the good of the service demands, and evening drills by companies not exceeding once in two months, and neglect on the part of subordinate officers or enlisted men to appear accordingly shall be punishable as for disobedience of orders.

Encampments to be by brigades or regiments unless otherwise ordered by commander-in-chief.

SECTION 98. Unless the commander-in-chief prescribes the time, place and manner of assembling the troops for the purposes declared in this section, each commander of division shall annually order an encampment of his division, by brigades or regiments, at some time between the middle of July and the middle of September. The orders for encampment by brigade shall be promulgated in the brigade thirty days before the time appointed for the encampment; the orders for encampment by regiment shall be promulgated in the regiment twenty days before such time. The place, and if no time is designated by the commander of division, the time of encampment shall be designated by the commander of the troops to be assembled, and regard shall always be had to the convenience, proximity and accommodation of the troops to be assembled; but no ground shall be occupied for an encampment in time of peace without the consent of the selectmen of the town, or mayor and aldermen of the city, where the encampment is to be made, unless by order of the commander-in-chief; such ground to be paid for by the state on contracts to be approved by the adjutant-general.

All encampments less than by division to be held at the state camp ground.

In case of the purchase of a state camp-ground, as provided for in chapter two hundred and sixteen, acts of eighteen hundred and seventy-two, all encampments, less than division encampments, shall be held upon the same, unless otherwise directed by the commander-in-chief; said state camp-ground shall be under the care and control of the adjutant-general or quartermaster-general, and the expense of keeping it in repair and of storing and guarding the state property upon said ground, or of taking

proper care of the arsenal and state property at Cambridge, shall be provided for in the annual appropriation for quartermaster's supplies.

SECTION 99. No larger body than a brigade shall be ordered to parade at the same time and place except by order of the commander-in-chief.

Parade of more than a brigade.

SECTION 100. Each encampment shall last five days, and the troops shall be inspected, reviewed and thoroughly exercised, as companies, battalions or brigades, in the whole routine of camp and field duty.

Encampment to last five days.

SECTION 101. Each company and band roll-call shall be made during the term of encampment under the supervision and in the presence of a commissioned officer or band-master thereof; and each day the company commanders and band-masters shall provide the regimental

Company and band roll-call.

paymaster with a sworn pay-roll of the men actually on duty that day in their respective commands; these rolls shall be verified by the paymaster by actual presence of the parties whose names appear thereon, and by their

Sworn pay-roll to be furnished daily.

signatures either in his presence or of some staff officer.

Rolls to be verified by paymaster.

SECTION 102. When a company without commissioned officers parades with other troops, the officer in command shall detail one or more commissioned officers present to command it, unless the officer detailed by the commander of the regiment to command it is present.

Officer to be detailed to command company without officers.

SECTION 103. The assistant inspectors-general, under the orders of their respective commanding officers, shall attend the annual encampments of the regiments and battalions in their brigades while encamped separately, and, while they are under arms, inspect their arms, uniforms, ammunition and accoutrements, and shall make report to the adjutant-general at the close of tour of duty, such reports being made through proper channels and consolidated by superior commands.

Assistant inspectors-general to attend encampments, inspect arms, and report to the adjutant-general.

SECTION 104. By permission of the officer in chief command, and of their own immediate superiors, officers, privates and musicians may drill and manœuvre in camp in undress uniform or fatigue dress, and mounted officers may discharge their duties on foot.

Drill in camp in undress uniform.

SECTION 105. Every commanding officer, when on duty, may ascertain and fix necessary bounds and limits to his parade or encampment (not including a road so as to prevent passing), within which no spectator shall enter without leave from such commanding officer. Whoever

Bounds of parade may be fixed by commanding officer.

Punishment for intrusion.

intrudes within the limits of the parade or encampment, after being forbidden, may be confined under guard during the time of parade or encampment, or a shorter time, at the discretion of the commanding officer; and whoever resists a sentry who attempts to put him or keep him out of such limits, may be arrested by order of the commanding officer, and carried before a judge-advocate or judge-advocate-general on duty at the encampment, or other court or justice having jurisdiction of the place, to be examined or tried upon complaint for such assault or disturbance or breach of the peace.

Not holden to duty on days of certain election.

SECTION 106. No officer or soldier shall be holden to perform military duty except in case of invasion, insurrection, riot or tumult, made or threatened, or in obedience to the orders of the commander-in-chief, on a day appointed for a meeting in the town in which he resides for the election of governor, lieutenant-governor, senators, electors of president and vice-president of the United States, or representatives to congress or the general court; and an officer parading his company, or ordering it to parade contrary to the provisions of this section, shall, besides being liable to a trial before the military judge, forfeit not less than fifty nor more three hundred dollars.

Escort duty.

SECTION 107. The commander-in-chief may order out any portion of the militia for escort and other duties.

Companies may have volunteer parades.

SECTION 108. Nothing herein contained shall be construed to prevent any company from meeting for the purpose of drill, funeral or other escort, or a voluntary service, nor to impair the obligation arising under constitutional articles of agreement adopted by the company, so far as regards the members who have signed the same; but such articles of agreement, approved by the commander-in-chief, shall be valid and binding on all who have signed them, unless they are repugnant to law. But no parade or voluntary service shall be performed under arms or with state uniform, unless by approval of regimental or battalion commander, or, if unattached, by the adjutant-general. And any military organization leaving the state, without permission from the commander-in-chief, shall forthwith be disbanded. Volunteer companies shall have the right to own and keep personal property which shall belong to and be under the control of the active members of the company, and the commanding officer of

May own and keep personal property and be under their control.

any volunteer company may recover for the use of the company any debts or effects belonging to the company, or damages for the injury thereof, as provided in section one hundred and sixty-five, and no suit or complaint pending in his name shall be abated by his ceasing to be commanding officer of the company, but upon the motion of the commander succeeding him such commander shall be admitted to prosecute the suit or complaint in like manner and with like effect as if it had been originally commenced by him.

SECTION 109. Any soldier quitting his guard, section, platoon or company, may be put and kept under guard by the commander of the company, regiment, or of the field, for a time not extending beyond the term of service for which he is then ordered. Penalty for quitting guard or company.

SECTION 110. Soldiers in companies without officers, when ordered out to be trained and disciplined, shall, for absence, deficiency, misconduct or neglect, be liable to the fines prescribed for offences in other companies, to be recovered upon complaint of the officer so detailed. Soldiers in companies without officers liable to fines.

SECTION 111. The assistant adjutants-general of each division and brigade, and the adjutant of each regiment, battalion or corps, shall constantly keep a correct roster of the command to which he belongs, and an orderly book in which he shall record orders received and issued. Division and brigade rosters and orderly books to be kept.

SECTION 112. A fair and exact roll of each company shall be kept by the clerk, under the direction of the commander, with the state of the arms and equipments furnished to each man, in the form prescribed for the returns of the militia by the commander-in-chief. Such rolls shall be annually revised in the month of May, and corrected from time to time, as the state of the company and alterations in it may require. The commander of each company shall annually, during said month of May, furnish the mayor and aldermen or selectmen of his city or town, a sworn copy of such roll, for the purposes set forth in section seventeen of this act. The clerk of the ancient and honorable artillery company shall furnish annually, as provided herein, the mayor and aldermen of the city of Boston with sworn rolls of all active members belonging to the company. Company rolls to be kept by the clerk under the direction of the commander.

SECTION 113. An orderly book shall also be kept in each company, by the clerk, under the direction of the commander, and the proceedings of the company, orders Company orderly book to be kept by the clerk.

received and issued, and exact details of drafts and detachments shall be recorded therein. Fines and forfeitures, with the time when, and the offence, neglect, default or deficiency for which they were incurred, money collected by him or the company commander, with the names of the persons from whom collected, and all delinquencies and deficiencies, shall be recorded in said book, which shall not be alienated from the company, and shall always be open to the inspection of its members.

Commanders of companies to make triplicate returns on each day of encampment.

SECTION 114. At the conclusion of each tour of camp duty, commanders of companies shall make correct triplicate returns of their several companies, which shall certify the manner in which such company, on each of the days of encampment, performed the duties required by law. He shall deliver one of such returns to the inspecting officer on duty in camp, and the others to the commander of his regiment or battalion, who shall retain one and send the third direct to the adjutant-general within ten days after said tour of camp duty. The returns of companies attached to divisions or brigades, and not to regiments, shall be sent to the commanding officers of divisions or brigades, respectively, and consolidated and transmitted by them to the adjutant-general.

Master of band to make return within ten days after a parade.

SECTION 115. The master of every regimental, battalion or other band on duty with the militia shall, within ten days after a parade thereof, made under order of the commander of the regiment, battalion or unattached company to which such band belongs, make and transmit to the adjutant-general an alphabetical list of the men who appeared in uniform and performed duty on such day, the last return to be made on or before the tenth day of November; upon which the commanding officer to whom the band was ordered to report for duty, shall certify the manner in which said duty was performed.

Commanders of regiments to make rolls of field and staff officers.

SECTION 116. On the last day of each tour of camp duty, commanders of regiments and battalions shall make correct certified rolls of the field and staff officers of their several commands on duty for each day, specifying the names, rank and duty done by each officer who appeared armed, uniformed and equipped on any day, and deliver the same to the inspecting officer of the camp, and every commanding officer of regiment or battalion shall, within ten days after each tour of camp duty, forward to his commander a consolidated return of his whole command.



SECTION 117. Assistant inspectors-general within twenty days after each tour of camp duty done by their respective brigades, or the regiments and battalions thereof, shall make and transmit to the commander of the brigade a correct return of such brigades, reporting therein the condition of the uniforms, arms, accoutrements and ammunition of the several corps, with such suggestions relating to the government of the militia and the advancement of order and discipline as in his judgment may be required.

Assistant inspectors-general to make return to commander of brigade.

SECTION 118. Commanders of brigades shall, within thirty days after each tour of camp duty performed by the troops under their respective commands, transmit to the commanders of their divisions, a correct return of their respective brigades, as furnished by the assistant inspectors-general under the preceding section, and also in like manner make and transmit to the commander of division a certified roll of the general, field and staff officers of their several brigades, specifying the rank of and duty done by each one who appeared uniformed and equipped and performed duty on any day. Commanders of divisions shall, within ten days after the receipt of such returns of brigades under their respective commands, transmit to the adjutant-general correct returns of the state of their divisions, as derived from such brigade returns.

Commanders of brigades to transmit return to commanders of divisions.

Commanders of divisions to transmit returns to the adjutant-general.

SECTION 119. Commanders of divisions shall annually, on or before the first day of December, make and transmit to the adjutant-general a certified roll of the general, field and staff officers in their respective divisions, specifying the name, rank and duty done by each one who has appeared armed, uniformed and equipped, and performed duty on any day. The adjutant-general shall, on or before the twenty-fifth day of January in each year, make out a certified roll of the names of all general, field and staff officers that appear by the returns made to him under this and the three next preceding sections to be entitled to the pay under section one hundred and twenty-eight, and submit such roll with amounts due, to the auditor, and the governor shall draw his warrant on the treasury for such sums as may be necessary to pay such officers.

Commanders of divisions to transmit roll of general, field and staff officers.

Adjutant-general to submit roll to auditor.

SECTION 120. When an invasion of or insurrection in the state is made or threatened, the commander-in-chief shall call upon the militia to repel or suppress the same ;

Militia may be called out to repel invasion and suppress insurrection.

and may order out divisions, brigades, regiments, battalions or companies; or may order to be detached parts of companies thereof, or any number of men to be drafted therefrom, and may cause officers to be detailed, sufficient with those attached to the troops, to organize the forces. If such invasion or insurrection, or imminent danger thereof, in any part of the state, is so sudden that the commander-in-chief cannot be informed and his orders received and executed in season to resist or suppress the same, a commander of division in such part of the state may order out his division or any part thereof, as the commander-in-chief might do.

Drafts and detail of officers.

SECTION 121. When a draft from the militia is ordered, the non-commissioned officers and privates, except so many as offer to serve voluntarily, shall be drafted by lot from the company, and the officers regularly detailed from the roster.

If company without officers is called out, an officer to be detailed to command.

SECTION 122. If a company without officers is ordered to march, or a draft or detachment is ordered therefrom, the commander of the regiment or battalion shall detail an officer to command, who shall have the same authority to order them to appear, to command them in the field, or to make a draft or detachment therefrom, as the captain of such company would have, and shall be under the same responsibility.

Penalty for neglecting to appear when ordered.

SECTION 123. Every person so ordered out, detached or drafted, who does not appear according to law at the appointed time and place, or provide a substitute, or within twenty-four hours pay to the captain of his company, or officer to whom he is ordered to report, one hundred dollars, to be paid into the treasury of the Commonwealth, shall be taken to be a soldier absent without leave.

Selectmen, &c., to provide carriages to attend with supplies.

SECTION 124. The selectmen of a town and the mayor and aldermen of a city to which men so ordered out, detached or drafted belong, when required in writing by a commander of a regiment or detachment, shall provide carriages to attend them with further supplies of provisions and to carry necessary baggage, and provide necessary camp equipage and utensils, until notified by the commanding officer to desist; and shall present their accounts as provided in section one hundred and thirty-nine. For any neglect by such mayor and aldermen or selectmen, under this section, such city or town shall

Penalty.

forfeit, to the use of the Commonwealth not less than twenty nor more than five hundred dollars. The officer to whom any articles above mentioned are delivered shall be responsible that care is taken of the same.

SECTION 125. When there is in any county a tumult, riot, mob or a body of men acting together by force with attempt to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of the Commonwealth, or when such tumult, riot or mob is threatened, and the fact is made to appear to the commander-in-chief, or the mayor of a city, or to a court of record sitting in said county, or if no such court is sitting therein, then to a justice of said court, or if no such justice is within the county, then to the sheriff thereof, the commander-in-chief may issue his order, or such mayor, court, justice or sheriff may issue a precept, directed to any commander of a division, brigade, regiment, battalion or company, directing him to order his command, or part thereof (describing the kind and number of troops) to appear at a time and place therein specified, to aid the civil authority in suppressing such violence and supporting the laws, which precept, if issued by a court, shall be in substance as follows:—

Troops may be ordered out in case of riot.

—, ss.

COMMONWEALTH OF MASSACHUSETTS.

Form of precept.

L. S.

To *(insert the officer's title)* A B, commanding *(insert his command)*.

Whereas it has been made to appear to our justices of our , now holden at , within and for the county of , that *(here state one or more of the causes above mentioned)*, in our county of , and that military force is necessary to aid the civil authority in suppressing the same; now therefore, we command you that you cause *(here state the number and kind of troops required)*, armed, equipped, and with ammunition, as the law directs, and with proper officers, either attached to the troops, or detailed by you, to parade at , on , then and there to obey such orders as may be given them, according to law. Hereof fail not at your peril, and have you there this writ, with your doings returned thereon.

Witness L S, Esq., at , on the day of , in the year .

C D, Clerk.

And if the same is issued by a mayor, justice or sheriff, it shall be under his hand and seal, and otherwise varied to suit the circumstances of the case.

SECTION 126. The officer to whom the order of the commander-in-chief or such precept is directed, shall

Penalty for refusing or neglecting to obey order.

forthwith order the troops therein mentioned to parade at the time and place appointed. If he refuses or neglects to obey such order or precept, or if an officer neglects or refuses to obey an order issued in pursuance thereof, he shall be cashiered and punished by fine or imprisonment not exceeding six months, as a court-martial may adjudge. Any person neglecting or refusing to appear at the place of parade to obey an order issued in such case, or any person advising or endeavoring to persuade another to refuse or neglect to appear at such place, or to obey such order, shall forfeit to the use of the Commonwealth, five hundred dollars.

Troops to appear armed and equipped.

SECTION 127. Such troops shall appear at the time and place appointed, armed and equipped, and with ammunition as for inspection of arms, and shall obey and execute such orders as they may then and there receive according to law.

Pay of general, field and commissioned staff officers.

SECTION 128. General, field and commissioned staff officers, and commanders of batteries, shall receive for each day's duty in camp or under sections one hundred and seven and one hundred and twenty-five, or in visiting officially regimental or battalion encampments in their commands, six dollars, and such officers, shall be entitled to five dollars per day for keeping and forage of horse, except when serving on special duty not requiring them to be mounted; non-commissioned staff officers, except non-commissioned staff officers of companies shall receive three dollars a day, to be paid them from the state treasury, upon the warrant of the governor and council according to a pay-roll made up by the adjutant-general, as provided in section one hundred and nineteen.

Whenever the commander-in-chief shall, by general or special orders or regulations, direct that companies shall parade or drill by regiments or battalions instead of by companies, according to the provisions of section ninety-four of this act, such regimental or battalion field and staff officers shall be allowed and paid therefor the same compensation as is allowed them for other duty.

Judge-advocate-general.

The judge-advocate-general shall receive an annual salary of fifteen hundred dollars, to be paid quarterly by the treasurer of the Commonwealth; and he shall be allowed an additional sum of five hundred dollars per annum, which shall be in full for mileage and all contingent expenses of his office, and shall be paid quarterly in same manner as provided for his salary.

Mustering officers and paymasters shall be allowed the pay of their rank for each day's service in the discharge of their special duties.

Mustering officers and paymasters.

SECTION 129. Assistant adjutants-general of divisions and brigades, and adjutants of regiments or battalions, or of companies of cadets, of volunteer militia, shall receive twenty-five dollars annually, in addition to their pay as herein provided. Assistant inspectors-general shall receive six dollars a day and five cents a mile for travel to and from the place of inspection, for duties performed under section one hundred and three.

Pay of assistant adjutants-general, adjutants, &c.

SECTION 130. Every other commissioned officer of the volunteer militia shall receive for each day's duty in camp or under sections ninety-four, one hundred and seven and one hundred and twenty-five, three dollars and fifty cents.

Pay of commissioned officers.

Every non-commissioned officer and soldier shall receive for each day's duty in camp or under sections ninety-four, one hundred and seven and one hundred and twenty-five, two dollars and fifty cents.

Non-commissioned officers and soldiers.

There shall be allowed and paid to each officer and soldier in the militia, obliged by law to travel to an annual encampment, or to perform special duty, the actual expenses incurred by him for transportation, such expenses to be paid on sworn returns to be furnished by assistant adjutants-general and commanders of companies at same time and corresponding with returns called for in sections one hundred and one, one hundred and fourteen, one hundred and fifteen and one hundred and seventeen.

Allowance for travel.

Every member of a band serving with the militia shall receive for services, in obedience to an order of his commander, at the rate of five dollars a day while on duty; and the bugler to a company of cavalry or artillery, shall receive five dollars a day. For the duty required to be performed on the last Wednesday in May, and for each day's duty in camp as required by the provisions of this act, and also for each day of special duty performed under the orders of the commander-in-chief, issued in pursuance of the provisions of section one hundred and seven, every mounted non-commissioned officer and every member of a mounted company or band shall receive five dollars a day in addition to the compensation herein before provided, which shall include keeping and forage for horses. Such sums shall be computed by the adjutant-general on the company and band pay-rolls, made out, certified and re-

Members of bands.

turned under sections one hundred and one, one hundred and fourteen and one hundred and fifteen.

Pay rolls to be transmitted to paymasters.

After such computation of sums due companies and bands, the pay-rolls shall be transmitted at once to the respective paymasters of regiments and battalions, who shall immediately notify commanders of companies and masters of bands that they are ready to pay their respective commands. These rolls, after computation of sums due on them, shall be laid before the auditor of the Commonwealth, and upon his approval the governor and council shall draw a warrant on the treasury for the respective amounts required by the several paymasters, and on receipt of the money on such warrant, the paymasters shall meet the several companies and bands in their respective armories or headquarters, and pay the members the amounts due them, taking proper vouchers in duplicate for such payment, and at once after paying all the troops in their respective commands, file with the treasurer of the Commonwealth an account of their payments with the duplicates of their vouchers; and such accounts shall be audited by the state auditor and the several paymasters held to account for any and all discrepancies which may be found to exist.

Paymasters to give bond.

Paymasters shall give bond in the penal sum of ten thousand dollars, with two sureties at least, to be approved by the governor and council, conditioned faithfully to discharge the duties of their office.

Rolls to be compared with muster-in rolls, &c.

SECTION 131. The computation provided for in the preceding section to be made by the adjutant-general, shall be made from rolls required in sections one hundred and one, one hundred and fourteen and one hundred and fifteen, in connection or comparison with the muster-in rolls and last preceding muster pay-rolls of companies.

Compensation forfeited for default in making returns.

SECTION 132. The compensation provided for commanders of companies shall be forfeited for default in making the returns required by sections one hundred and one, one hundred and fourteen and one hundred and fifteen; and no person shall receive compensation who does not remain in camp and perform all duties required during the period of encampment; except that a person who once appears and is excused from further duty shall be entitled to compensation for the time he is actually engaged in service.

Personal service requisite for compensation.

SECTION 133. No officer or soldier in the volunteer militia shall receive the compensation provided in this

chapter, unless he personally performs the duties required by law; and no substitute shall be allowed compensation for service belonging to another to perform; nor shall excuses granted for absence from or non-performance of military duty entitle the person excused to receive such compensation.

SECTION 134. The adjutant-general shall present his account for expenses incurred in the performance of his duty as inspector-general to the auditor of accounts for allowance.

Expenses of inspector-general.

SECTION 135. Officers obliged to go out of the city or town of their residence to attend a military election, shall be allowed ten cents a mile each way for travel.

Allowance for travel to a military election.

SECTION 136. Officers composing military boards, and witnesses, both for the Commonwealth and the accused, attending before them, shall receive five cents for every mile they necessarily travel in going to and returning from the place of trial, and the following sums for each day of attendance: The president of a military board, six dollars; the judge-advocate of the same, six dollars, which shall be in full compensation, also, for all services of preparing papers before and making copies after any investigation; the marshal and other members of such board, four dollars; each witness attending on such board, or before the judge-advocate-general, one dollar and seventy-five cents. Fees for subpoenas and service of them shall be the same as in civil cases.

Travel and attendance of military boards and witnesses.

Members of board provided in section twenty-one, other than the judge-advocate-general, shall receive for each day's duty on such board six dollars, and five cents a mile each way for travel, to be paid by the treasurer of the Commonwealth, upon the certificate of the military judge, approved by the adjutant-general.

No allowance shall be made for pay or rations for a military guard, unless such guard is ordered by the officer appointing the board, or by the judge-advocate-general, nor shall the above compensation be made to officers in actual service and receiving pay.

Officers or men tried by a military board, board of examiners, the judge-advocate-general or judge-advocates shall, if acquitted, be allowed the pay of their rank, to be paid out of the treasury on the certificate of the president of the board or the judge-advocate, to be approved by the adjutant-general.

Officers, &c., tried by military board to be paid, if acquitted.

Relief of disabled soldiers.

SECTION 137. If an officer or soldier is wounded or otherwise disabled, or is killed or dies of wounds received while doing military duty, he, his widow or children shall receive from the general court just and reasonable relief.

Pay and rations while in actual service.

SECTION 138. The militia while in actual service shall receive the same pay and rations as the regular troops of the United States; and the rations when commuted shall be valued at the rate fixed by the regulations of the United States army in force at the time. When the militia are discharged from actual service they shall be allowed pay and rations to their respective homes.

All military accounts to be transmitted to the adjutant-general on or before January 5.

SECTION 139. All military accounts, including claims against the state for money expended in the transmission of military documents to and from the department of the adjutant-general, unless it is otherwise specially provided by law, shall annually, on or before the fifth day of January, be transmitted to the adjutant-general and examined, and if found correct, certified by him. They shall then, unless it is otherwise specially provided by law, be presented to the state auditor for allowance, and upon such allowance certified by him to the governor, shall be paid to the persons to whom they are personally due, or to their order, at the treasury of the Commonwealth. And no military account shall be certified by the adjutant-general or allowed by the auditor, unless presented to the adjutant-general for allowance within the time prescribed by law.

Excuses for not performing military duty.

SECTION 140. No officer shall be excused from duty except by the commander-in-chief, upon proper cause shown upon application.

No enlisted man shall be excused from service except upon physician's certificate of disability to do duty as provided in section twelve, or for other imperative cause, and excuses shall be granted only by the regimental or battalion commander for proper cause shown upon application.

Excuses for the non-appearance of a soldier shall be made to the commanding officer of his company, or the officer detailed to train and discipline the company, within twenty days after a training or other military duty from which he has been absent; and on the delinquent's producing satisfactory evidence of his inability to appear, such officer may excuse him, with the approval of the commander of the regiment; but no such officer shall



receive an excuse for non-appearance after the expiration of the twenty days. No excuse shall avail such soldier, on a prosecution for the recovery of a fine or forfeiture, unless proved to have been made to such officer before the expiration of the twenty days, unless the delinquent satisfies the tribunal before whom the case is tried that it was not in his power to make such excuse within the time. Such officers shall inform their clerks of all excuses allowed for non-appearance.

SECTION 141. No commanders of companies shall receive excuses for deficiencies of equipment. Deficiency of equipment.

SECTION 142. When a person is entitled to exemption from military duty, upon presenting evidence of the cause of his exemption to his commanding officer within or before a certain time, as provided in sections ten, eleven and twelve, and omits so to present such evidence, it shall not avail him by way of excuse upon a prosecution for a particular absence or default, unless he makes his excuse to the commanding officer within twenty days after the training, or satisfies the court or justice it was not in his power to make such excuse within the time. Excuses of conditional exemptions.

SECTION 143. The commander-in-chief may, in addition to the board provided in section twenty-one, from time to time, and at any time, appoint a military board of examiners of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualifications, propriety of conduct and efficiency of any commissioned officer under the rank of major-general, who may be reported to them as a fit subject for examination, and upon the report of such board, if adverse to such officer and approved by the commander-in-chief, the commission of such officer shall be vacated: *provided, always*, that if practicable, two members at least of such board shall be of military rank at least equal to that of the officer to be examined. The commander-in-chief may also, when in his opinion it is necessary, call boards of officers for settling military questions, or for other purposes relative to good order and discipline. Military board may be appointed to examine into capacity and propriety of conduct of officers.

SECTION 144. In this chapter the word "*soldier*," shall include musicians and all persons in the volunteer or enrolled militia except commissioned officers, and the word "company" may include battery. Construction of words "*sol. dier*" and "*company*."

SECTION 145. If elders or overseers of a society of Quakers or Shakers give the certificate provided in the Penalty for giving false certificate that a per-

son is a Quaker,  
&c.

tenth section to a person who does not profess the religious faith of their society, or who is not a member thereof, or who is not conscientiously scrupulous of bearing arms, each elder or overseer so offending shall forfeit two hundred dollars to the use of the Commonwealth, and be imprisoned not exceeding six months. And any person claiming to be exempted from enrolment by virtue of such a certificate, who does not profess the religious faith or is not a member of the society named therein, or who is not conscientiously scrupulous of bearing arms, shall be liable to the same penalty.

Penalty on civil  
officers.

SECTION 146. Civil officers named in this chapter neglecting or refusing to obey its provisions shall, except as otherwise specially provided, forfeit not less than twenty nor more than five hundred dollars.

"Selectmen" to  
include mayor  
and aldermen.

SECTION 147. The provisions of this chapter concerning the powers and duties of the selectmen of towns, shall be construed to include the mayor and aldermen of any city.

Companies may  
remain unat-  
tached or be at-  
tached to divi-  
sions or brigades.

SECTION 148. A company may remain unattached to any regiment, brigade or division, or may be attached to a brigade or division whenever in the opinion of the commander-in-chief the interests of the service require it; and the commanding officer of any such unattached company shall sign the warrants of the non-commissioned officers of said company, who may have been duly appointed, and any warrant so signed shall be in all respects valid: *provided*, that any company attached to a brigade or division shall be subject to the immediate orders of the commander of the brigade or division to which such company may be so attached, according to the provisions of the nineteenth section of this act.

Citizens above  
the age of forty-  
five, or not en-  
rolled, not ineli-  
gible to office.

SECTION 149. No citizen of the Commonwealth above the age of forty-five years shall on account of such age, be ineligible to office in the militia nor incapable of serving in a volunteer company, and no citizen of the Commonwealth, otherwise qualified, shall be ineligible to office in the militia from not having been enrolled therein.

Non-commis-  
sioned officers  
and soldiers  
may be dis-  
charged by the  
commander-in-  
chief in certain  
cases.

SECTION 150. The commander-in-chief may discharge any non-commissioned officer or soldier on application showing that applicant has removed from the state, or is physically disabled, disability to be established by regimental surgeon, or when two-thirds of the members of a company desire the discharge of one of their number on

the ground of his being habitually troublesome, and of such character as to degrade the company; and the commander-in-chief may, whenever in his opinion the interests of the service require it, discharge any non-commissioned officer or private of a volunteer company; in all cases facts to be fully set forth in the application which may come from any company officer, to be forwarded through proper channels, and approved by intermediate commanders.

SECTION 151. Any company now organized, or that may hereafter be organized under the provisions of law, may be disbanded and their officers discharged by the commander-in-chief, whenever the number of officers, non-commissioned officers and privates duly enrolled therein for active service duty shall be less than forty-eight: *provided*, that such officers shall first have returned or accounted to the quartermaster-general for all uniforms, arms, equipments and other property belonging to the Commonwealth for which they may be responsible; and when it appears to the commander-in-chief that a company of militia has failed to comply with the requisitions of the law in matters of uniform, equipment and discipline, so that it is incapacitated to discharge the duties required of it, such company may be disbanded by the commander-in-chief.

Company may be disbanded when its number is below forty-eight.

Proviso.

SECTION 152. It shall not be lawful for any body of men whatsoever, other than the regularly organized corps of the volunteer militia, the troops of the United States, and the ancient and honorable artillery company, and the veteran artillery association of Newburyport, to associate themselves together as a military company or organization, or to parade in public with arms in any city or town of this Commonwealth without the license of the governor thereof, which may at any time be revoked; nor shall it be lawful for any city or town to raise or appropriate any money toward arming, equipping, uniforming or in any way supporting, sustaining or providing drill-rooms or armories for any such body of men: *provided*, that associations wholly composed of soldiers honorably discharged from the service of the United States, may parade in public with arms, upon the reception of any regiments or companies of soldiers returning from said service, and for the purpose of infantry escort duty at the burial of deceased soldiers, having first obtained the written per-

None but regularly organized companies allowed to parade.

mission so to do of the mayor and aldermen or selectmen of the cities or towns in which they desire to parade.

Penalty for unlawful military parades.

SECTION 153. Whoever offends against the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men, with arms, shall be punished by a fine not exceeding the sum of ten dollars, or by imprisonment in the house of correction or common jail for a term not exceeding six months.

The ancient and honorable artillery company to continue its organization.

SECTION 154. Nothing contained in this act shall be construed as affecting the right of the ancient and honorable artillery company to maintain its organization as a military company according to ancient usage, and agreeably to the provisions of its constitution and by-laws, provided the same are not repugnant to the laws of this Commonwealth, or do not restrain the lawful parades or exercise of the active militia.

Judge-advocate-general to be appointed.

SECTION 155. The governor shall appoint and commission, with the rank of brigadier-general, a judge-advocate-general, who shall be skilled in the law and in military usages, and he shall hear and determine, from time to time, all military offences which shall be brought before him, finding the facts of the accusation in all instances, and whether the accused is guilty or not guilty of the offence charged, and awarding sentence within the limits of the law, which findings and sentence shall be by him reduced to writing and forwarded for the approval of the commander-in-chief; and said judge-advocate-general shall be the court-martial of the militia. In case of approval, said judge-advocate-general may issue his warrant, under his hand and seal, reciting the conviction and sentence, and the approval of the governor, and directed to the sheriffs, deputy-sheriffs, constables and jailers, directing execution of the sentence to be done; which warrant shall be executed in like manner as a warrant or execution from a court of criminal jurisdiction might be.

To be the court-martial of the militia.

Said judge-advocate-general shall hold courts as may be necessary, and at such times as the commander-in-chief may order, and said courts shall be continued by adjournment till the cases to be tried are disposed of.

Accusations to be in form of charges and specifications.

SECTION 156. Every accusation against any officer or enlisted man, shall be in the form of charges stating the legal nature of the offence imputed, and specifications setting forth the particular facts constituting the offence, with reasonable clearness, accuracy and conciseness, and

shall be signed by the party preferring the same, and endorsed with the names of the witnesses to the facts of the specification; and no accusation shall be preferred for any act occurring more than two years previous.

SECTION 157. When an accusation is preferred against any officer or enlisted man, it shall be forwarded through the proper channels, until it reaches a brigade or division commander, who shall refer it to his judge-advocate to determine if the accusation is in proper form, and to report whether or not it is expedient to prosecute; and upon receipt of his report, such commander shall order the prosecution to be made, or not to be made, or transmit the accusation and report for instructions as may seem expedient.

Accusation to be forwarded until it reaches a brigade or division commander.

To be referred to judge-advocate.

And in case a prosecution is ordered, the accused shall be furnished with a copy of the accusation by the judge-advocate, at least ten days before his trial, and may be suspended from command till his case has been heard, if the brigade commander shall so determine, or in extreme cases may be placed under arrest by any superior, before an accusation is preferred.

Accused to be furnished with copy, &c.

SECTION 158. The judge-advocate-general may preserve order in his court with the same authority as a court of record, and on any accusation against an officer may fine him not exceeding two hundred dollars, and sentence him in one or more of the following ways: to be reprimanded in orders, or to be imprisoned not exceeding thirty days, or to be dismissed the service and disqualified from military office for life or for a term of years, according to the nature of his offence; and on an accusation against an enlisted man, may fine him not exceeding fifty dollars, or sentence him to be reprimanded in orders; or if a non-commissioned officer to be reduced, or to be dishonorably discharged according to the nature of his offence. The judgment of disqualification may, after approval, be reversed in the whole or part by the commander-in-chief; but all other parts of the sentence, when approved, shall remain in full force.

Judge-advocate-general may punish an officer by fine or imprisonment, &c.

SECTION 159. Every commissioned officer may be tried for the following offences: for unmilitary or un-officer-like conduct when on duty; for neglect of duty; for disobedience of orders, or an act contrary to the provisions of this chapter; for oppression or injury of any under his command; for a combination or attempt to

Offences for which a commissioned officer may be tried.

break, resist or evade the laws or lawful orders given to a person, or advising any person so to do; for insult to a superior officer in the exercise of his office; for presuming to exercise his command while under arrest or suspension, in which case, if guilty, he shall be removed from office; for neglect or refusal, when commanding officer, to order out the troops under his command when required by law or ordered by his superior officer; for excusing, as commanding officer of a company, any person under his command, for deficiency or unnecessary absence, or after the expiration of the time allowed by law; for neglect or refusal to make a draft or detachment when legally ordered to do so; for neglect or refusal to cause prosecutions to be commenced for fines, when it is necessary; for parading the troops under his command on days of election, contrary to law; for receiving any fee or gratuity, as surgeon or assistant-surgeon, for a certificate of inability to do military duty; for neglect, when detailed to train and discipline a company, to make complaint for neglect or violation of duty as provided by law, or for any other neglect for which a commanding officer of the company would be liable; for neglect or refusal to march, to make a draft, or for disobedience to an order, in case of rebellion or insurrection, as provided by law, in which case the offender shall be cashiered; for refusal or neglect to obey a precept or order to call out the militia, or an order issued in obedience thereto, in case of tumult, riot or other cause as provided by law, or for advising any officer or soldier to do the like, in which cases the offender shall be cashiered, besides being subject to fine and imprisonment; or for any other conduct unbecoming an officer and gentleman, or to the prejudice of good order and military discipline, and affecting him in the exercise of his office or ability to command or retain the respect of those under him.

Offences for which an enlisted man may be tried.

SECTION 160. Any enlisted man may be tried before the judge-advocate-general for disobedience of orders, disrespect to his superiors, mutiny, exciting or instigating disrespect to the constituted authorities of the state or of the United States, or conduct to the prejudice of good order and military discipline, committed while on duty or under arms, or participating in any parade, inspection, encampment, drill or meeting, which shall be duly ordered by his superior officer, or prescribed by company

constitution, or volunteered by vote of the company to which he belongs.

SECTION 161. All fines and forfeitures incurred by an enlisted man under section one hundred and sixty-two may be prosecuted for by complaint of commander of his company before the judge-advocate of the brigade in which said company belongs, or before the judge-advocate of the division in case of divisionary corps, and said judge-advocate shall have the same powers with regard to such prosecutions as municipal courts now have. And from the sentence of any such judge-advocate the accused may appeal to the next term of the superior court in like manner as from a conviction before a municipal court, in criminal cases; but no warrant need be issued to bring the offender before the judge-advocate.

Enlisted men may be prosecuted for fines before judge-advocate of the brigade.

Right of appeal to superior court.

SECTION 162. Every enlisted man absent without leave from duty, when legally notified to appear, shall be fined as follows, with costs: For absence from May inspection, four dollars. For absence from elementary drill, three dollars. For absence from encampment or review, for each day's absence, five dollars. For absence from special duty when ordered by the commander-in-chief, for each day's absence, three dollars. For absence from any parade, meeting or other service prescribed by company constitution or duly volunteered by vote of his company, for each day's absence, three dollars.

Fines for absence from duty.

And every enlisted man appearing at any parade or drill required by law or duly volunteered, deficient in all or any of the arms, ammunition, equipment or uniform furnished by the state, or unserviceable or in bad condition, if from his own neglect, shall forfeit five dollars.

For deficiency in arms, uniforms, &c.

And every enlisted man who without order or unnecessarily comes to parade with loaded arms, or loads upon duty, or discharges his piece without orders either upon or on the way to or from his tour of duty, shall forfeit not less than five nor more than twenty dollars.

And every enlisted man neglecting his guard, or quitting his post of duty, shall forfeit two dollars.

In lieu of said fines, enlisted men may be dishonorably discharged from the service, upon trial, as provided in section one hundred and sixty-one; but, in case of sentence to dishonorable discharge, there shall be an appeal to the judge-advocate-general. Any enlisted man so discharged shall be debarred from holding office in the militia.

In lieu of fines enlisted men may be dishonorably discharged.

Fines collected of company officers and men to be paid into the company treasury.

SECTION 163. All fines and forfeitures under the militia laws, which may be collected of company officers or of men shall be paid into the treasury of the company to which the party paying the fine belongs, for the general expenses of the company. All other fines and forfeitures shall upon collection be paid into the treasury of the Commonwealth.

When fines are not collected on warrant, &c., record to be returned to superior court.

SECTION 164. Fines and forfeitures not collected on warrant or execution may be collected by returning the record of conviction before the judge-advocate-general or judge-advocate into the superior court for the county in which the offence occurred, to be recorded, and issuing *scire facias* thereon.

Judge-advocate may render judgment in alternative for restoration of property or damages.

SECTION 165. Prosecutions by commanders of companies to recover possession of state or company property, wrongfully withheld by any person, or damages for the loss or injury to the same may be made by complaint, setting forth the facts and the value of the property and the relief demanded, before the brigade or division judge-advocate, who may, if the nature of the case require, render judgment in the alternative for the restoration of the property or for liquidated damages to be paid to the prosecutor for the use of the state or company entitled to the property wrongfully withheld, lost or injured; and with regard to such cases, the judge-advocate shall have the same powers as a municipal court would have in civil cases, and the parties to the cause the same rights of appeal or otherwise, and execution shall be issued as in civil cases. When the amount in dispute is beyond the jurisdiction of municipal courts, prosecutions under this section shall be brought in the superior court of the county in which the defendant resides.

Fees of prosecuting officers.

SECTION 166. Prosecuting officers shall receive the per diem of officers on special duty and the docket-fee, to be paid upon certificate of the judge-advocate-general, or judge-advocate, from the treasury of the Commonwealth, on approval of the adjutant-general.

Fees of judge-advocates.

Judge-advocates shall receive for the cases tried before them the same fees as trial justices, to be paid from the treasury of the Commonwealth on their certificate and affidavit. Witnesses and process officers shall be paid at the same rate as witnesses and process officers in courts of law on the certificate of the judge-advocate from the treasury of the Commonwealth, on the approval of the adjutant-general.



SECTION 167. Costs of prosecution shall in cases of conviction be at the same rates as in the criminal courts, and a docket-fee of four dollars shall in all cases be taxed to the prosecuting officer for each day spent in the trial.

Costs of prosecution.

SECTION 168. The judge-advocate-general or a judge-advocate may be detailed by the commander-in-chief to attend any encampment, and shall have during the encampment within the encampment, and for a distance of one mile from the guard-line the jurisdiction of a municipal court over all offences committed in said time.

Judge-advocate-general may be detailed to attend at encampments.

SECTION 169. Any officer, band-master or other person required to muster and make rolls or returns of men or property, neglecting the same, shall be fined twenty-five dollars, and if an inspecting or mustering officer, seventy-five dollars; and any officer or band-master making a false muster-roll or return of men or property shall forfeit one hundred dollars, and if a mustering or inspecting officer, three hundred dollars, to be recovered on complaint of the officer to whom the return is due, before the judge-advocate-general, subject to appeal to the superior court of the county in which the defendant resides.

Penalty on officer or other person neglecting to muster and make rolls and returns.

SECTION 170. In time of insurrection, invasion or active service within the state, the commander-in-chief may confer the powers of judge-advocate-general or of judge-advocate upon any officer serving with troops, or may order military offences to be tried as provided in the United States service.

Powers of judge-advocate-general may be conferred upon another officer in case of insurrection, &c.

SECTION 171. Chapters two hundred and nineteen of the acts of eighteen hundred and sixty-six; two hundred and sixty-six of the acts of eighteen hundred and sixty-seven; two hundred and five and three hundred and thirty-two of the acts of eighteen hundred and sixty-nine; two hundred and ninety-eight of acts of eighteen hundred and seventy; one hundred and ten, one hundred and eighty-seven and two hundred and ninety-eight of acts of eighteen hundred and seventy-two, and all other acts and parts of acts inconsistent with the provisions of this act, are repealed; but this section shall not be construed as reviving or in any manner restoring any former acts or parts of acts inconsistent with the provisions of this act, that were repealed by either of the chapters herein before named.

Repeal.

SECTION 172. This act shall take effect upon the first day of June next.

When to take effect.

*Approved May 29, 1873.*

*Ch.* 314. AN ACT TO UNITE THE CITY OF BOSTON AND THE TOWN OF WEST ROXBURY.

*Be it enacted, &c., as follows:*

West Roxbury  
annexed to Bos-  
ton, and to be-  
come part of  
Suffolk county.

SECTION 1. All the territory now comprised within the limits of the town of West Roxbury in the county of Norfolk, with the inhabitants and the estates therein, is annexed to and made part of the city of Boston in the county of Suffolk, and shall hereafter constitute a part of the county of Suffolk, subject to the same municipal regulations, obligations and liabilities, and entitled to the same immunities in all respects as the said city of Boston: *provided, however,* that until constitutionally and legally changed, said territory shall continue to be, for the purpose of electing members of the house of representatives, part of the county of Norfolk, constituting the second representative district thereof; for the purpose of electing a senator, part of the first Norfolk senatorial district; for the purpose of electing a councillor, part of the third council district, and for the purpose of electing a representative in congress, part of congressional district number eight, as the same is now constituted.

Proviso.

Election of  
members of  
legislature,  
councillor and  
member of con-  
gress.

Duties of select-  
men, town clerk  
and ward offi-  
cers.

All the duties now required by law to be performed by the selectmen and town clerk of said town, or either of them, pertaining to the election of representatives in congress, state councillors, senators and members of the house of representatives, shall in like manner devolve upon and be performed by the board of aldermen and city clerk of said city.

It shall be the duty of the ward officers of the ward, erected out of said territory as hereinafter provided, to make to the city clerk of said city a return of all votes that may be cast therein, from time to time, for representatives in congress, state councillors, senators, members of the house of representatives, and for all other national, state, district, county, municipal and ward officers.

Public property  
to be vested in  
Boston.

SECTION 2. All the public property of said town shall be vested in and is declared to be the property of said city. And said city shall succeed to all the rights, claims, causes of action, rights to uncollected taxes, liens, uses, trusts, duties, privileges and immunities of said town. The town treasurer of said town on or before the second Monday of January, in the year eighteen hundred and seventy-four, under the direction of the selectmen of said town, who shall for this purpose and for all other pur-

Treasurer of  
West Roxbury  
to turn over  
property, &c., to  
treasurer of Bos-  
ton.

poses necessary to carry into full effect the provisions of this act, continue to hold their offices, shall transfer, deliver, pay over and account for to the city treasurer of said city, all books, papers, moneys and other property in his possession as town treasurer of said town when this act takes effect; and said city shall become liable for and subject to all the debts, obligations, duties, responsibilities and liabilities of said town. All actions and causes of action which may be pending, or which shall have accrued at the time this act takes effect, in behalf of or against said town, shall survive, and may be prosecuted to final judgment and execution in behalf of or against said city.

SECTION 3. The several courts within the county of Suffolk, except the municipal court for the southern district of the city of Boston, and the municipal court of the Dorchester district, after this act takes effect, shall have the same jurisdiction over all causes of action and proceedings in civil causes, and over all matters in probate and insolvency, which shall have accrued within said territory hereby annexed, that said courts now have over like actions, proceedings and matters within the county of Suffolk: *provided*, that the several courts within the county of Norfolk shall have and retain jurisdiction of all actions, proceedings and matters, that shall have been rightfully commenced in said courts prior to the time when this act takes effect; and the supreme judicial court and the superior court within the county of Suffolk, after this act takes effect, shall have the same jurisdiction of all crimes, offences and misdemeanors that shall have been committed within the said territory, that the supreme judicial court and superior court within the county of Norfolk now have: but if before this act takes effect, proceedings shall have been commenced in any of the courts within the county of Norfolk, for the prosecution of said crimes, offences and misdemeanors, the said courts within the county of Norfolk shall have and retain jurisdiction of the same for the full, complete and final disposition thereof. All suits, actions, proceedings, complaints and prosecutions, and all matters of probate and insolvency which shall be pending within said territory before any court or justice of the peace, when this act takes effect, shall be heard and determined as though this act had not passed.

Jurisdiction of  
courts in Nor-  
folk and Suffolk  
county.

Territory to be part of district under jurisdiction of municipal court of Boston.

SECTION 4. Said territory shall be added to and constitute a part of the judicial district under the jurisdiction of the municipal court of the city of Boston. Said court shall have the same civil and criminal jurisdiction in said territory as it now has by law in its district as it now exists.

To constitute ward seventeen of Boston.

SECTION 5. The said territory shall constitute a ward of the city of Boston to be called ward seventeen, and shall so remain until the alteration of the ward limits of the city of Boston, provided by law, and the ward so established shall be entitled to all the municipal and ward officers to which each of the other wards of said city is entitled, except as hereinafter provided.

Ward officers to be elected.

SECTION 6. If this act shall be accepted as hereinafter provided, said territory shall, after the fourth day of November in the year eighteen hundred and seventy-three, constitute a ward of said city, to be called ward seventeen, for all the purposes mentioned in this section and in section seven of this act. And the board of aldermen of said city shall, in due season, issue their warrant for a meeting of the legal voters of said ward, to be held on the second Monday of December in the year eighteen hundred and seventy-three, at some place within said ward, which shall be designated in said warrant, there first to choose a warden, clerk and five inspectors of elections for said ward, who shall hold their offices until the first Monday of January in the year eighteen hundred and seventy-four, and until others shall be chosen and qualified in their stead; second, to give in their ballots for the several municipal and ward officers for the year eighteen hundred and seventy-four, for which they shall be entitled to vote by virtue of the provisions of this act.

School committee.

The voters of said ward shall designate, by their ballots cast at said meeting, the term of service for which each of the six school committee men who shall be chosen in said ward, shall serve, so that two of the number so chosen shall serve for three years, two for two years, and two for one year. The board of aldermen of said city shall prepare lists of all the legal voters in said ward, to be used at said meeting, and shall do all other things which they are now by law required to do in respect to like elections in other wards of said city; and at said meeting, any legal voter of said ward may call the citizens to order,

and preside until a warden is chosen and qualified. All ward officers whose election is provided for in the preceding section, shall be qualified according to law. The citizens of said territory shall have the same right to vote for municipal officers, at the annual municipal election in said city, in the year eighteen hundred and seventy-three, as they would have had if said territory had formed part of said city for more than six months next before said election.

Citizens may vote for municipal officers of Boston in 1873.

SECTION 7. After the present municipal year the board of aldermen of the city of Boston shall consist of twelve members, and in addition to the number of members of the common council otherwise provided for by law, the territory hereby annexed shall be entitled to elect two members of said council.

Entitled to two members of the common council.

SECTION 8. The several police officers, watchmen and firemen in office in said town when this act takes effect, shall thereafter continue in the discharge of their respective duties, in the same manner as if they were police officers, watchmen or firemen of said city, until others are appointed in their stead.

Police officers, watchmen and firemen to continue in discharge of their duties.

SECTION 9. All the interest which said town now has in the public property of the county of Norfolk, is released and acquitted to said county of Norfolk. Such portion of the debts and obligations of the county of Norfolk, existing when this act takes full effect, over and above the value of all the property belonging to said county, as should proportionally and equitably be paid by the inhabitants and property owners of said territory by this act annexed to said city, shall be paid by said city to said county of Norfolk; and the supreme judicial court shall have jurisdiction in equity to determine the amount (if any), and enforce the payment of the same upon a suit in equity in the name of said county, to be brought therefor within six months after this act goes into full operation, by the county commissioners of said county of Norfolk, if they deem such suit for the interest of said county; but no such suit shall be instituted after said six months.

Interest in county property released to Norfolk county.

Nothing contained in this act shall impair the obligation of contracts; and the property and the inhabitants of said territory shall continue liable to the existing creditors of the county of Norfolk in like manner as if this act had not been passed: *provided*, that if any person, by reason

Boston to pay just proportion of debts of Norfolk county.

Obligation of contracts not to be impaired.

Proviso.

of his being an inhabitant of or owning property in said territory, shall be compelled to pay any part of an existing debt or obligation of the county of Norfolk, the amount of such payment shall constitute a debt to him from said county as hereafter to be constituted, exclusive of said territory, and may be recovered in like manner as other debts against the county of Norfolk.

Subject to acceptance by a majority vote of West Roxbury and Boston.

SECTION 10. This act shall not take full effect unless accepted by a majority of the legal voters of the city of Boston present and voting thereon by ballot, at meetings which shall be held in the several wards of said city, and also by a majority of the legal voters of the town of West Roxbury, present and voting thereon by ballot, at a meeting which shall be held in said town. All said meetings shall be held simultaneously on the seventh day of October of the present year, and upon notice thereof duly given at least seven days before the time of said meetings; and the polls shall be opened at nine o'clock in the forenoon of said day, and shall be closed at six o'clock in the afternoon. In case of the absence of any ward officer at any ward meeting in said city, held for the purpose aforesaid, or of any of the selectmen, or of the town clerk, at any meeting in said town held for said purpose, a like officer may be chosen, *pro tempore*, by hand vote, and shall be duly qualified, and shall have all the powers, and be subject to all the duties of the regular officer at said meetings. Said ballots shall be "yes" or "no," in answer to the question, "Shall an act passed by the legislature of this Commonwealth, in the year eighteen hundred and seventy-three, entitled 'An Act to unite the City of Boston and the Town of West Roxbury,' be accepted?" Such meeting in said town shall be called, notified and warned by the selectmen of said town, in the same manner in which meetings for the election of town officers in said town are called, notified and warned; and such meeting in the city of Boston shall be called, notified and warned by the board of aldermen of said city in the same manner in which meetings for the election of municipal officers in said city are called, notified and warned.

Result of balloting to be recorded.

The ballots shall be assorted, counted and declared in the ward meetings in which they are given in the city of Boston, in open ward meeting, and shall be registered in the ward records; and, in the town of West Roxbury, the ballots shall be assorted, counted and declared in open

town meeting, and shall be recorded upon the records of the town. The clerk of each ward in the city of Boston shall make return of all ballots given in his ward, and the number of ballots in favor of the acceptance of this act, and the number of ballots against said acceptance, to the board of aldermen of said city; said returns to be made within forty-eight hours of the close of the polls.

It shall be the duty of the board of aldermen of said city, to certify, as soon as may be, the number of ballots cast in said city, and the number of ballots cast in favor of the acceptance of this act, and the number of ballots cast against said acceptance, to the secretary of the Commonwealth.

Returns to be made to secretary of the Commonwealth.

The selectmen and town clerk of the town of West Roxbury shall, as soon as may be, make a like return of the ballots cast in said town, and the number of ballots cast in favor of acceptance of this act, and the number of ballots cast against said acceptance, to the secretary of the Commonwealth.

And if it shall appear that a majority of the votes cast in said city, and a majority of the votes cast in said town, respectively, are in favor of the acceptance of this act, the said secretary shall immediately issue and publish his certificate, declaring this act to have been duly accepted.

Secretary to issue certificate if act is accepted.

SECTION 11. So much of this act as authorizes and directs the submission of the question of acceptance of this act to the legal voters of said city and said town, respectively, provided for in the tenth section of this act, shall take effect upon its passage.

Part of act to take effect upon its passage.

SECTION 12. If this act shall be accepted as herein provided, it shall take effect on the fifth day of November, in the year eighteen hundred and seventy-three, so far as to authorize, legalize and carry into effect the acts and provisions of the sixth and seventh sections of this act; but for all other purposes (except as mentioned in section eleven of this act), it shall take effect on the first Monday of January, in the year eighteen hundred and seventy-four.

When to take effect, if accepted.

SECTION 13. If any election or balloting upon the question of the acceptance of this act, by either said city or said town, shall within two months thereafter be declared void by the supreme judicial court, upon summary proceedings, which may be had in any county on the petition of fifty voters of either said city or said town,

Proceedings in case S. J. C. declare balloting void.

the question of accepting said act shall be again submitted to the legal voters of said city or town, and a meeting therefor shall within thirty days thereafter be called, held and conducted, and the votes returned and other proceedings had thereon, in like manner as herein before provided. But no election or balloting shall be held void for informality, in calling, holding or conducting the election, or returning the votes, or otherwise, except upon proceedings instituted therefor and determined within sixty days thereafter, as aforesaid. *Approved May 29, 1873.*

### Ch. 315.

#### AN ACT RELATING TO THE TAXATION OF BANK SHARES.

*Be it enacted, &c., as follows :*

Tax upon bank shares to be assessed to owners in towns where bank is located.

SECTION 1. All the shares of stock in banks, whether of issue or not, existing by authority of the United States, or of this Commonwealth, and located within this Commonwealth, including shares in the capital stock of the Mercantile Savings Institution in the city of Boston, shall be assessed to the owners thereof in the cities or towns where such banks are located, and not elsewhere, in the assessment of all state, county and town taxes imposed and levied in such place by the authority of law, whether such owner is a resident of said city or town or not, at the fair cash value of such shares on the first day of May of the year in which the tax shall be assessed, first deducting therefrom the proportionate part of the value of the real estate belonging to the bank, at the same rate, and no greater, than that at which other moneyed capital in the hands of citizens and subject to taxation is by law assessed. And the persons or corporations who appear from the records of the banks to be the owners of shares at the close of the business day next preceding the first day of May in each year, shall be taken and deemed to be the owners thereof for the purposes of this section.

Bank to pay taxes to collector of town where bank is located.

SECTION 2. It shall be the duty of every such bank or other corporation to pay to the collector or other person authorized to collect the taxes of the city or town in which such bank or other corporation is located, at the time in each year when other taxes assessed in the said city or town become due, the amount of the tax so assessed in such year upon the shares in such bank or other corporation. If such tax shall not be so paid, the said bank or other corporation shall be liable for the same; and the said tax, with interest thereon at the rate of twelve per



centum per annum from the day when the tax became due, may be recovered in an action of contract brought by the treasurer of such city or town.

SECTION 3. The shares of such banks or other corporations shall be subject to the tax paid thereon by the corporation or the officers thereof, and the corporation and the officers thereof shall have a lien on all the shares in such bank or other corporation, and on all the rights and property of the shareholders in the corporate property for the payment of said taxes.

Corporation to have lien upon shares for taxes paid.

SECTION 4. Assessors of cities and towns in which any national bank or banking association is located, for the purpose of ascertaining the rate at which taxes shall be assessed, shall omit from the valuation upon which the rate is to be based, the value of all shares held by non-residents of said cities and towns, and no tax of any city or town shall be invalidated by reason of any excess of the amount thereof over the amount to be raised in consequence of the provisions of this act.

Rate of taxation in places where banks are located.

SECTION 5. It shall be the duty of the cashier of every such bank to make and deliver to the assessors of the city or town in which such bank is located, on or before the tenth day of May in each year, a statement verified by the oath of such cashier showing the name of each shareholder, with his residence and the number of shares belonging to him at the close of the business day next preceding the first day of May, as the same then appeared on the books of said bank. In case the cashier shall fail to make such statement, the assessors of the city or town in which the bank is located shall forthwith, upon such failure, proceed to obtain a list of shareholders, with the residence of and number of shares belonging to each.

Cashier to make sworn statement to assessors of names, &c., of shareholders.

In either case the assessors of each city and town shall, immediately upon obtaining such list or statement, transmit to the tax commissioner a true copy of the same, and shall further, by notice in writing, inform said commissioner of the rate per centum upon the valuation of the city or town of the total tax in such city or town for the year, immediately upon the ascertainment thereof, and also of the amount assessed upon the shares of each bank located therein, under the provisions of this act.

Assessors to obtain list of shareholders if cashier neglects.

SECTION 6. Said commissioner shall thereupon, as soon as may be, determine from the returns provided for

Assessors to transmit statement to tax commissioner.

Commissioner to determine amount of offset

against payments to be made to the town.

by section five of this act, and otherwise, the proportionate amount of the tax so assessed upon the shares in each of said banks which has been assessed upon shares which according to the provisions of chapter eleven of the General Statutes would not be taxable in said city or town, which amounts, as finally determined under the provisions of this act, shall be a charge to said city or town as an offset against any payments to be made from the treasurer of the Commonwealth to said city or town.

Commissioner to determine amount which shall become a credit to town.

SECTION 7. Said commissioner shall, in like manner, determine the proportionate amount of tax so assessed upon shares in each of said banks, which, according to the provisions of chapter eleven of the General Statutes, would be taxable in each city or town in this Commonwealth other than that in which the bank is located, which amounts, as finally determined under the provisions of this act, shall become a credit to such city or town.

Commissioner to inform assessors of the aggregate amount of charges and credits.

SECTION 8. Said commissioners shall, by written or printed notice, delivered at the assessors' office or sent by mail, inform the assessors of each city or town affected thereby, of the aggregate amount of charges and credits against and in favor of such city or town under the sixth and seventh sections of this act, as determined by him, forthwith, upon the determination thereof. From this determination an appeal may be made by said assessors, within ten days from the date of said notice, to the board of appeal created under the thirteenth section of the two hundred and eighty-third chapter of the acts of the year eighteen hundred and sixty-five, which board shall hear such appeal, decide the matter in question, and notify said commissioner and the party appealing thereof, and their decision shall be final.

Right of appeal from determination of assessor.

Commissioner to certify to state treasurer aggregate amount of charges and credits.

SECTION 9. Said commissioner shall, at the expiration of ten days after notice given, as provided in section eight, or upon being informed of the decision of the board of appeal, if an appeal is made, certify to the treasurer and receiver-general the aggregate amount of charges mentioned in section six against each city and town in the Commonwealth, and also the aggregate of credits mentioned in the seventh section in favor of each city or town, as finally determined under the provisions of sections six, seven and eight, and the treasurer shall thereupon withhold out of any sums of money which are or may become payable out of the state treasury to any

city or town against which a charge is certified, the amount so certified; and shall allow or pay over to each city or town in favor of which a credit is certified the amount so certified.

SECTION 10. In the adjustment and determination of amounts due under the provisions of this act, an allowance of one per centum upon the amount assessed and collected under this act shall be made for the expenses of assessing and collecting the same, and no city or town shall be entitled to any allowance of credits or payments under this act, or under the two hundred and eighty-third chapter of the acts of the year eighteen hundred and sixty-five, in any year, until the assessors thereof shall have complied with the requirements of this act.

Allowance of one per centum for expense of assessing and collecting tax.

SECTION 11. Chapter three hundred and twenty-one of the acts of the year eighteen hundred and seventy-two is repealed, but this repeal shall not revive any former acts by said act repealed, or defeat any rights which have already accrued, and no bank, the shares in which are made taxable by this act, shall be subject to taxation under the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and the acts in addition thereto, nor shall the shareholders be taxable for state, county or town purposes, except under the provisions of this act in respect to their shares therein.

Repeal of 1872, 321.

SECTION 12. The amount actually paid into the treasury of the Commonwealth in each year, under the provisions of this act, on account of shares in banks or banking associations which on the first day of May are the absolute property of any savings bank or institution for savings subject to taxation under the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and sixty-two, and acts in amendment thereof, or of any insurance corporation which is subject to taxation under the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof, shall be deducted from the tax payable under the provisions of said acts by such savings bank, institution for savings or insurance corporation at the next payment to the Commonwealth after the assessment of bank shares as herein provided. The tax commissioner may require a statement of all such shares so owned by any such savings bank, in-

Amount paid into treasury by savings banks and insurance companies under this act to be deducted at next payment, &c.

Commissioner  
to determine  
amount to be de-  
ducted.

stitution for savings or insurance corporation, to be made in a form approved by him, and signed and sworn to by the treasurer or like financial officer thereof. He shall, from such statement and other evidence, and subject to appeal by such corporation, as herein provided in similar cases, determine the amounts to be deducted, and certify the same to the treasurer of the Commonwealth upon the final determination thereof.

Commissioner  
to certify to trea-  
surer amount  
assessed and col-  
lected.

SECTION 13. The tax commissioner shall, as soon as may be after the first Monday in December in each year, certify to the treasurer the amount assessed and collected for that year, in respect of shares in such banks or other corporations owned absolutely by any society, district or institution of any of the classes specified in the third, fourth and ninth divisions of section five of chapter eleven of the General Statutes, and the treasurer shall thereupon pay over such amounts to the corporations owning such shares.

Owner of shares  
to be furnished  
with certificate  
of exemption  
from taxation.

SECTION 14. It shall be the duty of the assessors of each city or town, upon request of any person resident in such city or town, who is the owner of any shares in such banks or other corporations which, under the provisions of the tenth and thirteenth divisions of section five of chapter eleven of the General Statutes would be entitled to exemption from taxation, to give such owner a certificate setting forth such fact, and it shall be the duty of the treasurer of such city or town, upon request therefor and the deposit with him of such certificate, to pay over to such owner the amount so collected in respect of such shares, immediately, upon the allowance of the amount which shall be made to such city or town under the provisions of this act.

Shares, &c., to  
be included in  
returns required  
under 1863, 283,  
§ 2.

SECTION 15. Shares in such banks and other corporations shall be included in the returns required to be made by the provisions of section two of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five.

Tax to be re-  
funded when  
paid under 1872,  
321, § 7, and  
owners also spe-  
cifically taxed.

SECTION 16. Whenever it shall be made to appear to the tax commissioner by certificate of the assessors or a majority of them or other satisfactory evidence, that any tax assessed in accordance with the provisions of the seventh section of chapter three hundred and twenty-one of the acts of the year eighteen hundred and seventy-two, which has been paid over or accounted for to the state

treasury in conformity with said act, has been assessed in respect to shares in banks upon which the owners have also been specifically taxed for the said year in the city or town in which such owner resides, for state, county and town purposes, the tax commissioner shall, within a reasonable time thereafter, certify to the treasurer and receiver-general, the name of the person who appears to be the owner of such shares, and the amount so paid or credited in each case, and the treasurer shall thereupon pay over to said person such amount.

SECTION 17. Whenever it shall be made to appear to the assessors of any city or town that any tax assessed in such city or town for the year eighteen hundred and seventy-two, in accordance with the provisions of the seventh section of chapter three hundred and twenty-one of the acts of said year, which has not been paid over or accounted for to the state treasury, has been assessed in respect to shares in banks, upon which the owners have also been specifically taxed for the said year for state, county and town purposes, in the city or town in which such owner was taxable for personal property under the provisions of the General Statutes; upon request therefor by the owner of said share or his proper representative, made prior to the first day of December, in the year eighteen hundred and seventy-three, such assessors shall abate the same, and the rights of the owner shall thereupon be the same in respect to such taxes as are provided by law in other cases of abatement of taxes.

Abatement of taxes.

SECTION 18. It shall be the duty of the assessors for the time being of the several cities and towns, upon the request of any person or persons, who shall appear from their records to have been assessed, under the provisions of the seventh section of chapter three hundred and twenty-one of the acts of the year eighteen hundred and seventy-two, or any other section of said act, to give such person or persons a certificate, setting forth the fact of such assessment, with the name of the bank, the number of shares in respect to which such assessment was made, and the amount of tax so assessed. Such certificate shall be competent evidence of facts to authorize an abatement under the provisions of the seventeenth section, or a refunding under the sixteenth section, both of this act.

Assessors to give certificate setting forth fact of assessment, &c.

SECTION 19. The list of shareholders required by the fifth section of this act may be made for the present year,

List of shareholders required by fifth section,

may be made the present year at any time before June 10.

at any time on or before the tenth day of June, and a tax shall be laid and collected under the provisions of this act, for the present year in the same manner and to the same effect as if it had been in force on the first day of May of the present year.

SECTION 20. This act shall take effect upon its passage.

*Approved May 29, 1873.*

**Ch. 316.** AN ACT TO ESTABLISH A HARBOR LINE ON MERRIMAC RIVER IN NEWBURYPORT.

*Be it enacted, &c., as follows:*

Harbor line established on Merrimac River in Newburyport.

SECTION 1. The line hereinafter described is hereby established as a line along the southerly side of Merrimac River in Newburyport, beyond which no wharf, pier or other structure shall ever hereafter be extended in or over the tide-water of the Commonwealth.

Description of line.

SECTION 2. The said line begins at the north-easterly corner of the base of the southerly abutment of the Newburyport bridge over Merrimac River, and runs easterly in a straight line to a point distant ninety-five feet northerly from the north-westerly corner of Mercantile Wharf, measuring on the line of the westerly side of said wharf extended; thence running easterly again in a straight line to the north-easterly corner of Cross' Wharf; thence running easterly again in a straight line to the north-westerly corner of Commercial Wharf; thence running easterly again along the northerly end of said wharf, to the north-easterly corner thereof; thence running easterly again in a straight line to the most north-westerly corner of Huse's solid pier.

No structure or incumbrance to be extended beyond the line.

SECTION 3. No wharf, pier, building, structure or incumbrance of any kind shall ever hereafter be extended beyond the said line into or over the tide-water of said river, nor shall any wharf, pier or other structure which is now erected on the inner side of said line extend further towards the said line than such wharf, pier or structure now stands, or than the same might have been lawfully enlarged or extended before the passing of this act, without leave first obtained according to law.

Penalty.

SECTION 4. Every person or corporation offending against the provisions of this act shall be deemed guilty of a misdemeanor and shall be liable to be prosecuted therefor by indictment or information in any court of competent jurisdiction, and on conviction shall be punished by a fine not less than one thousand dollars nor more than five

thousand dollars for every offence, and any structure or obstruction which shall be made contrary to the provisions and intent of this act shall be liable to be removed and abated as a public nuisance in the manner provided for the removal and abatement of nuisances in the public highway or in any other manner authorized by law.

Structure may be removed.

*Approved May 29, 1873.*

AN ACT IN RELATION TO THE PEREMPTORY CHALLENGING OF JURORS.

*Ch. 317.*

*Be it enacted, &c., as follows :*

SECTION 1. The right to challenge peremptorily any person called or returned to serve as a juror, may be exercised after it has been determined that the person so called or returned stands indifferent.

Challenge after determination that juror is indifferent.

SECTION 2. Chapter one hundred and fifty-one of the acts of the year eighteen hundred and sixty-nine is amended in the fourth line thereof as printed in the supplement to the General Statutes, by striking out the word "five" and substituting therefor the word "ten."

Amendment to 1869, 151.

SECTION 3. This act shall take effect upon its passage.

*Approved May 29, 1873.*

AN ACT FOR THE PROTECTION OF SEA-FOWL IN THE WATERS OF EDGARTOWN.

*Ch. 318.*

*Be it enacted, &c., as follows :*

SECTION 1. No person shall drive, chase or pursue with boats, or shoot at with rifles or shot guns from boats, on their feeding grounds, in the waters in and bordering upon the town of Edgartown, except upon that part of said waters lying south of the south beach and Chappaquiddick, any of the birds commonly called sea-fowl.

Sea-fowl to be protected on their feeding grounds in Edgartown.

SECTION 2. Any person offending against the provisions of the preceding section, shall forfeit and pay for each offence a fine of not more than five dollars.

Penalty.

*Approved May 29, 1873.*

AN ACT CONCERNING WITNESSES IN CRIMINAL PROSECUTIONS IN OTHER STATES.

*Ch. 319.*

*Be it enacted, &c., as follows :*

SECTION 1. If the clerk of any court of record in any state adjoining to this Commonwealth, shall certify that a criminal prosecution is pending in such court, and that a person residing in this Commonwealth is supposed to be a material witness therein, any justice of the peace for the county in which such witness may reside, shall, on receipt of such certificate, issue a summons requiring such witness

Witness residing in this state may be summoned to testify in a criminal case in an adjoining state.

to appear, and testify at the court in which such cause is pending.

Penalty for neglecting to attend at court.

SECTION 2. If the person on whom such summons is served, and to whom is paid or tendered double the fees allowed by law for travel and attendance of witnesses in the supreme judicial court of this Commonwealth, besides double travelling expenses for the whole distance out and home by the ordinary travelled route, shall neglect without a reasonable excuse, to attend as a witness at the court in such summons mentioned, he shall forfeit a sum not exceeding three hundred dollars for the use of the Commonwealth.

*Approved May 29, 1873.*

**Ch. 320.** AN ACT TO AMEND CHAPTER FIFTY-FIVE OF THE GENERAL STATUTES RELATING TO LIMITED PARTNERSHIPS.

*Be it enacted, &c., as follows:*

Certificate to be acknowledged by all the partners and filed in the secretary's office.

SECTION 1. No limited partnership hereafter established shall be deemed to have been formed until a certificate made as provided in the third section of chapter fifty-five of the General Statutes, shall have been acknowledged by all the partners before a justice of the peace and filed in the office of the secretary of the Commonwealth and recorded in said office in a book to be kept for that purpose, and open to public inspection. If a false statement is made in such certificate, all the persons interested in the partnership shall be liable, as general partners, for all the engagements of the partnerships.

Certificate to be published in a newspaper in county where principal place of business is situated.

SECTION 2. The partners shall, once a week for six successive weeks immediately after such filing and recording, publish a copy of the certificate above mentioned in a newspaper published in the county where their principal place of business is situated; or if no such paper is there published, then in a newspaper published in the city of Boston. If such publication is not so made, the partnership shall be deemed general.

Certificate to be made and published when partnership is continued beyond original time.

SECTION 3. Upon every renewal or continuation of a limited partnership beyond the time originally agreed upon for its duration, a certificate thereof shall be made, acknowledged, filed and published in like manner as is herein provided for the original formation of limited partnerships; and every such partnership not renewed in conformity with the provisions of this section shall be deemed a general partnership.

Names of general partners only to be used.

SECTION 4. The business of the partnership shall be conducted under a firm in which the names of the general



partners only shall be inserted, without the addition of the word company or any other general term. If the firm consists of more than three general partners, all their names need not be inserted in the style of the firm. If the name of any special partner is used in such firm with his consent or privity, he shall be deemed and treated as a general partner, but if his surname is the same as that of any general partner in the firm such surname may be used in the style of the firm.

SECTION 5. No dissolution of a limited partnership hereafter established shall take place except by operation of law before the time specified in the certificate before mentioned, unless a notice of such dissolution is filed and recorded in the office of the secretary of the Commonwealth, nor unless such notice is also published once a week for six consecutive weeks in some newspaper published in the county where the principal place of business of such partnership is situated, or, if no such paper is there published, then in some newspaper published in the city of Boston.

*Dissolution of a limited partnership.*

SECTION 6. Sections four, five, six, seven and ten of the fifty-fifth chapter of the General Statutes, and so much of section one of said chapter as prohibits the formation of limited partnerships for the purpose of banking are repealed: *provided, however*, that the provisions of said sections four, seven and ten shall continue to apply to partnerships formed before the passage of this act.

*Repeal.*

*Approved May 29, 1873.*

#### AN ACT REQUIRING RETURNS IN RELATION TO STEAM-BOILERS.

*Be it enacted, &c., as follows:*

SECTION 1. The assessors of each city and town shall, in each year, at the time of making the returns required by the first section of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, return to the tax commissioner a statement showing the whole number of steam-boilers located in their respective cities and towns on the first day of May then next preceding; by whom and when built, and the aggregate estimated amount of horse-power which such boilers are capable of furnishing. Such return shall also state the number of accidents causing permanent injuries to persons which have arisen from the use of such boilers during the year, with the causes thereof, as far as may be ascertained by the assessors.

*Ch. 321.*

*Returns to be made by assessors to tax commissioner concerning steam-boilers.*

Commissioner to furnish blanks for returns and make report to legislature.

SECTION 2. The tax commissioner shall in due season forward to the assessors, blanks suitable for making the returns required by the first section, and shall include in his annual report to the legislature a tabular statement of statistics derived from such returns.

SECTION 3. This act shall take effect upon its passage.

*Approved May 29, 1873.*

*Ch.* 322. AN ACT TO SUPPLY THE TOWN OF WESTFIELD WITH PURE WATER.  
*Be it enacted, &c., as follows:*

Westfield to be supplied with pure water.

SECTION 1. The town of Westfield is authorized to take, hold and convey, into and through said town, the water of the Pochassie Brook, in Montgomery, or the water of any natural pond or ponds, brook or brooks within said town, north of the Westfield River, to supply itself and its inhabitants with pure water, to extinguish fires, generate steam, and for domestic and other uses, and may establish public fountains and hydrants, and regulate their use, and may discontinue the same, and may collect such rents as may be fixed for the use of such water.

To file in registry of deeds a description of the land taken.

SECTION 2. The town of Westfield, within sixty days from the time they take any lands for the purposes of this act, shall file in the registry of deeds of the county and district in which such lands lie, a description of the lands so taken, as certain as is required in a common conveyance of lands, and a statement of the purposes for which they were taken, which description and statement shall be signed by a majority of the water commissioners hereinafter named.

May build aqueducts and maintain dams.

SECTION 3. The said town may make, build and lay down aqueducts and pipes, from such sources to, into, through and about said town, and secure and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the water taken; may construct and maintain reservoirs within or without said town; and may make, erect and maintain, and carry on such other works as may be necessary or proper for raising the water into the same, and forcing and distributing the water through and about said town.

Liability for damages.

SECTION 4. Said town of Westfield shall be liable to pay all damages sustained by any persons or corporations in their property by the taking of any lands, water, water-sources or water-rights, or by the construction or repairing of any dams, aqueducts or other works for the purposes

aforesaid. If any person or corporation sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, they may have them assessed by the county commissioners for the county of Hampden, by making a written application therefor within one year after sustaining such damages; and either party aggrieved by the doings of said commissioners in the estimation of said damages, may have the same settled by a jury, and if the damages are increased by the jury the town shall pay all legal costs, but otherwise the said costs shall be paid by the party claiming damages; and the said commissioners and jury shall have the same powers, and the proceedings shall in all other respects be conducted in the same manner, as provided in case of taking land for highways.

SECTION 5. The rights, powers and authorities granted to the town of Westfield by this act, shall be vested in and exercised by a board of water commissioners, consisting of five citizens of said town, who shall be elected by the legal voters of said town at an election which shall be legally ordered and held at the same time and date that the said town shall vote upon the acceptance of this act. The said commissioners shall serve until the first day of January, eighteen hundred and seventy-six. Thereafter the rights, powers and authority granted to the said town by this act shall be vested in and exercised by a board of water commissioners, consisting of three citizens of said town who shall be chosen by the legal voters of said town, one for the term of one year, from the first day of January eighteen hundred and seventy-six, one for the term of two years, one for the term of three years, and annually thereafter one water commissioner shall be so chosen to serve for the term of three years. Vacancies may be filled at any town meeting duly called for the purpose. The said commissioners shall receive such compensation as the town of Westfield may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

Powers granted to be vested in a board of water commissioners.

Compensation of commissioners.

SECTION 6. For the purposes of paying all necessary expenses and liabilities incurred under the provisions of this act said town shall issue bonds, signed by the treasurer of said town and countersigned by the chairman of the board of water commissioners, denominated "Westfield Water Bonds," to an amount not exceeding two hun-

"Westfield Water Bonds" may be issued not exceeding \$250,000 at seven per cent. interest.

dred and fifty thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding seven per centum per annum; and said town may sell said bonds at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, and may raise money by taxation to pay said bonds and interest thereon when due; but said town shall not raise more than ten thousand dollars in any one year towards payment of the principal of said bonds, except the year in which the same or any part thereof may become due.

Prices for use of water.

SECTION 7. Said water commissioners may, from time to time, establish prices or rents for the supply or use of said water.

Penalty for unlawfully using or maliciously diverting water, or rendering it impure.

SECTION 8. If any person shall use any water taken under this act without the consent of said town, or shall wantonly or maliciously divert the water or any part thereof, taken or held by said town, pursuant to the provisions of this act, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said town under the authority of and for the purposes of this act, he shall forfeit and pay to said town three times the amount of damage assessed therefor, to be recovered in an action of tort, and on conviction of either of the wanton or malicious acts aforesaid, may be also punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Occupant of tenement liable for water rent.

SECTION 9. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner shall also be liable if, on being notified of such use, he does not object thereto.

Repeal.

SECTION 10. Upon the acceptance of this act by the town of Westfield, chapter ninety-five of the acts of the year eighteen hundred and seventy-one is repealed.

Subject to acceptance by vote of the town.

SECTION 11. This act shall be void unless accepted by a majority of the legal voters of said town of Westfield, present and voting thereon at a legal meeting held for the purpose, within one year from the passage of this act.

SECTION 12. This act shall take effect upon its passage.

*Approved May 29, 1873.*

AN ACT CONCERNING THE NEWBURYPORT CITY RAILROAD COMPANY. *Ch. 323.*  
*Be it enacted, &c., as follows :*

The time specified for the construction of the Newburyport City Railroad, as specified in the thirteenth section of an act to incorporate the Newburyport City Railroad Company, passed on the twelfth of June, in the year one thousand eight hundred and sixty-nine, is extended two years beyond the time fixed in said act.

Time for construction extended.

*Approved May 29, 1873.*

AN ACT TO AUTHORIZE THE OLD COLONY RAILROAD COMPANY TO CHANGE THE LOCATION OF ITS RAILROAD IN THE TOWN OF PROVINCETOWN. *Ch. 324.*

*Be it enacted, &c., as follows :*

SECTION 1. The Old Colony Railroad Company may, with the approval of the board of selectmen of the town of Provincetown, change the location of its railroad in said town.

May change location of road in Provincetown.

SECTION 2. This act shall take effect upon its passage.

*Approved May 29, 1873.*

AN ACT TO LEGALIZE CERTAIN VOTES PASSED BY THE INHABITANTS OF THE TOWN OF DUNSTABLE. *Ch. 325*

*Be it enacted, &c., as follows :*

SECTION 1. The votes of the inhabitants of the town of Dunstable, passed at their last annual meeting, whereby they voted to raise money and appropriate the same "for the celebration of the two hundredth anniversary of the incorporation of the town," are ratified, confirmed and made valid to the same extent as if said town had been specially authorized to pass such votes.

Votes ratified and made valid.

SECTION 2. This act shall take effect upon its passage.

*Approved May 29, 1873.*

AN ACT TO ESTABLISH THE CITY OF NEWTON.

*Ch. 326*

*Be it enacted, &c., as follows :*

SECTION 1. The inhabitants of the town of Newton shall continue to be a body politic and corporate, under the name of the city of Newton, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation.

City of Newton established.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one officer, to be

Government vested in mayor and city council.

called the mayor, one council of six, to be called the board of aldermen, and one council of twelve to be called the common council; which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services.

Division of town  
into wards.

SECTION 3. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act and its acceptance as herein provided, to divide said town into six wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward. The city council may, in the year eighteen hundred and seventy-five, and in every fifth year thereafter, make a new division of said wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward, according to the census to be taken in the month of May or June in said years.

Annual election.

SECTION 4. The election of city and ward officers shall take place on the first Tuesday of December, annually, and the municipal year shall begin on the first Monday of January following.

Election of ward  
officers.

SECTION 5. On the first Tuesday of December, annually, there shall be elected, by ballot, in each of said wards, a warden, clerk and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year, and until others shall be elected and qualified in their stead. Said wardens shall preside at all ward meetings, with the powers of moderators at town meetings; and if at any meeting the warden is not present, the clerk shall preside until a warden *pro tempore* is elected by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside until a warden *pro tempore* is so elected; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is so elected. When any ward officer is absent or neglects to perform his duty, his office shall be filled *pro tempore*. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all the records, journals, documents and papers held by him in his said capacity.

Clerk and in-  
spectors.

The inspectors shall assist the warden in receiving, assorting and counting the votes. All of said officers shall be sworn to a faithful discharge of their duties, said oath to be administered by the clerk to the warden, and by the warden to the clerk and to the inspectors, or to either of said officers by any justice of the peace. Certificates of such oaths shall be made by the clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and served and returned in such manner, and at such times, as the city council shall direct. The compensation of the ward officers shall be fixed by concurrent vote of the city council.

Ward officers to be sworn.

Meetings of citizens.

SECTION 6. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards, and shall hold his office for the municipal year next following his election, and until another shall have been elected and qualified in his place.

Mayor.

SECTION 7. Six aldermen, one alderman being selected from each ward, shall be elected by the qualified voters of the city at large, voting in their respective wards, who shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified in their places.

Aldermen.

SECTION 8. Two common councilmen shall be elected by and from the voters of each ward, and shall at the time of their election be residents of the wards respectively in which they are elected; they shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified in their places.

Common councilmen.

SECTION 9. On the first Tuesday of December, annually, the qualified voters in the several wards shall give in their votes, by ballot, for mayor, aldermen and common councilmen, in accordance with the provisions of this act; and all the votes so given, shall be assorted, counted, declared and recorded in open ward meeting, by causing the names of the persons voted for, and the number of votes given for each, to be written in the ward record at length. The clerk of the ward within twenty-four hours thereafter, shall deliver to the persons elected members of the common council, certificates of their elections, respectively, signed by the warden and the clerk and a majority of the

Election on first Tuesday in December annually.

Certificates of election.

Mayor elect to be notified by aldermen.

Vacancy in office of mayor, how filled.

Aldermen and councilmen to meet in convention first Monday of January and be sworn.

Common council to be organized by choice of president and clerk.

City council to organize in absence or non-election of mayor, who may

inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections certified in like manner. The board of aldermen shall, within ten days thereafter, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor, to be notified in writing, of his election; but if the person elected shall refuse to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the election of mayor, and, from time to time, shall be repeated, until a mayor shall be elected and shall accept said office. In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, or in case of a vacancy in the office of mayor from any cause, it shall be the duty of the board of aldermen and common council respectively, by vote, to declare that a vacancy exists, and the cause thereof; and thereupon the city council shall, by concurrent vote, elect a mayor to fill such vacancy; and the the mayor thus elected shall hold his office until his inability causing such vacancy shall be removed, or until a new election; each aldermen shall be notified in writing of his election by the mayor and aldermen for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk or by any justice of the peace. The aldermen and common councilmen elect, shall, on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace; and a certificate of such oath having been taken, shall be entered upon the journal of the mayor and aldermen and of the common council, by their respective clerks. After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the election of a president and clerk, to hold their offices respectively during the pleasure of the common council, the clerk to be sworn to the faithful performance of the duties of his office; and his compensation shall be fixed by concurrent vote of the city council.

In case of the absence of the mayor elect on the first Monday of January, or if a mayor shall not then have been elected, the city council shall organize itself in the



manner herein before provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may at any time thereafter, in convention of the two boards, be administered to the mayor, and any member of the city council who may have been absent at the organization. In the absence of the mayor, the board of aldermen may elect a presiding officer *pro tempore*, who shall also preside at the joint meetings of the two boards.

be sworn afterwards.

President of board of aldermen *pro tem.*

Each board shall keep a record of its own proceedings, and judge of the election of its own members; and, in case of vacancy in either board, the mayor and aldermen shall issue their warrants for a new election.

Each board to keep record of proceedings.

SECTION 10. The mayor shall be the chief executive officer of the city. It shall be his duty to be active and vigilant in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers; and he may, whenever in his opinion the public good may require, remove, with the consent of the appointing power, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination. He may call special meetings of the boards of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by causing notice to be left at the usual place of residence of each member of the board or boards to be convened. He shall from time to time communicate to both boards such information, and recommend such measures, as the business and interests of the city may in his opinion require. He shall preside in the board of aldermen and in convention of the two boards, but shall have a casting vote only. His salary for the first five years, under this charter, shall be fixed by the city council, but shall not exceed the sum of one thousand dollars per annum. Afterwards it shall be fixed by concurrent vote of the city council. It shall be payable at stated periods, but shall not at any time be increased or diminished during the year for which he is elected. He shall receive no other compensation.

Mayor to be chief executive officer of the city.

May remove officers with consent of the appointing power.

To preside in board of aldermen and in convention. Salary.

SECTION 11. Every ordinance, order, resolution or vote, to which the concurrence of the board of aldermen and of the common council of said city may be necessary (except on a question of a convention of the two branches, or the election of an officer), and every order of either

Orders requiring concurrent vote, and of either branch involving expenditure of money, to be presented to mayor for approval.

Proceedings in case the mayor does not approve.

branch of the city council, involving an expenditure of money, shall be presented to the mayor of the city. If he approves thereof, he shall signify his approval by signing the same; but if he does not approve thereof, he shall return the ordinance, order, resolution or vote, with his objections in writing, to the branch of the city council in which it originated. Such branch shall enter the objections of the mayor, at large, on its records, and proceed to reconsider said ordinance, order, resolution or vote; and if, after such reconsideration, two-thirds of that branch present and voting, notwithstanding such objections, agree to pass such ordinance, order, resolution or vote, it shall, together with the objections of the mayor, be sent to the other branch of the city council (if it originally required concurrent action) where it shall also be reconsidered; and if approved by two-thirds the members present and voting, it shall be in force; but in all cases the vote shall be determined by yeas and nays; and if such ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him, the same shall be in force.

Executive power to be vested in mayor and aldermen.

Constables and police officers.

SECTION 12. The executive power of said city generally, with all the powers heretofore vested by special statute in the selectmen of the town of Newton and in the selectmen of towns generally by the laws of the Commonwealth, shall be vested in and exercised by the mayor and aldermen as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, a city marshal or chief of police, with all the powers and duties of a constable, and all other police and all subordinate officers whose election is not herein provided for, and the same to remove at pleasure; and they may require any person who may be appointed a constable, city marshal or chief of police of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such an amount as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by selectmen of towns. The compensation of the police and other subordinate officers shall be fixed by concurrent vote of the city council. The city council shall have the care and superintendence of the city buildings, and the custody and

City council to have care of public property.

management of all city property, with power to let what may be legally let, and to sell or purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may in their judgment require it; and they shall, as often as once a year, cause to be published for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debt.

Annual report of receipts and expenditures.

SECTION 13. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible, by appointment or election by the mayor and aldermen or city council, to any office of emolument the salary of which is payable out of the city treasury, who at the time of such appointment or election shall be a member of the board of aldermen or of the common council. All sittings of the mayor and aldermen, of the common council and of the city council, shall be public, except the sittings of the mayor and aldermen when they are engaged in executive business.

Appointments made by mayor and aldermen.

Sittings, not executive, to be public.

SECTION 14. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention, a treasurer, who shall be collector of taxes, and a city clerk, and by concurrent vote, may elect a superintendent of streets, a city physician, a city solicitor and city auditor, who shall hold their offices for the term of one year next ensuing, and until others shall be elected and qualified in their stead: *provided, however*, that either of the officers named in this section may be removed at any time by the city council for sufficient cause. Vacancies occurring in the above named offices may be filled at any time. The compensation of the officers mentioned in this section shall be fixed by concurrent vote of the city council.

Treasurer, clerk, &c., to be elected in convention.

Solicitor and auditor to be elected by concurrent vote.

Proviso.

SECTION 15. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen, and he shall perform all the duties and exercise all the powers incumbent by law upon him. He shall deliver to his successor in office, as soon as chosen and qualified, all the

City clerk to be clerk of board of aldermen.

records, journals, documents and papers held by him in his said capacity.

Fire department  
may be estab-  
lished.

SECTION 16. The city council may establish a fire department for said city, to consist of a chief-engineer, and of as many assistant-engineers, engine-men, hosemen, hook and ladder men, and assistants, as the city council, by ordinance, shall from time to time prescribe; and said council shall have authority to fix the time of their appointment and the term of their service, to define their office and duties, and in general to make such regulations concerning the pay, conduct and government of such department, the management of fires, and the conduct of persons attending fires, as they may deem expedient, and may affix such penalties for any violation of such regulations, or any of them, as are provided for the breach of the ordinances of said city. The appointment of all the officers and members of such department shall be vested in the mayor and aldermen exclusively, who shall also have authority to remove from office any officer or member, for cause, in their discretion. The engineers so appointed shall be the firewards of the city, but the mayor and aldermen may appoint additional firewards. The compensation of the department shall be fixed by concurrent vote of the city council.

City council  
may establish  
fire limits and  
regulate the  
construction of  
buildings.

SECTION 17. The city council shall have power to establish fire limits within the city, and from time to time change or enlarge the same; and by ordinance they may regulate the construction of all buildings erected within said fire limits, stipulating their location, sizes and the material of which they shall be constructed, together with such other rules and regulations as shall tend to insure the same from damage by fire. They shall also have the sole care, superintendence and management of the public grounds belonging to said city, and of all the shade and ornamental trees standing and growing thereon, and also of all the shade and ornamental trees standing and growing in or upon any of the public streets and highways of said city.

Public grounds.

Overseers of the  
poor to be elect-  
ed by concu-  
rent vote.

SECTION 18. The city council shall annually, as soon after their organization as may be convenient, elect by concurrent vote, six persons to be overseers of the poor, one from each ward, who shall be resident therein at the time of their election, who shall hold their offices for the municipal year next following their election, and until a

majority of the new board shall be elected and accept in their place, unless sooner removed. The persons so elected shall, with the mayor, constitute the board of overseers of the poor. The mayor shall be *ex officio* chairman of the board. Vacancies occurring in the board may be filled by the city council at any time; the members so elected to hold office only for the unexpired term of the member who has ceased to hold office. The city council may at any time remove any elected member of the said board from office for cause. The compensation of the overseers of the poor shall be fixed by concurrent vote of the city council.

Mayor to be chairman of board.

Compensation.

SECTION 19. The city council shall annually, as soon after their organization as may be convenient, elect by concurrent vote three persons to be assessors of taxes, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner, one person who shall hold office for the term of three years next ensuing, and until another shall be elected and qualified in his stead. The persons so elected shall constitute the board of assessors, and shall exercise the powers, and be subject to the liabilities and duties of assessors in towns. Vacancies occurring in the board may be filled by concurrent vote of the city council at any time, the member so elected to hold office only for the unexpired term of the member who has ceased to hold office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof. The compensation of the assessors shall be fixed by the concurrent vote of the city council.

Assessors of taxes to be elected by concurrent vote.

Vacancies.

Compensation.

SECTION 20. The city council shall annually, as soon after their organization as may be convenient, elect by concurrent vote, one person from each ward to be an assistant assessor; and it shall be the duty of the persons so elected to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards, and they shall be sworn to the faithful performance of their duty. Vacancies occurring may be filled by concurrent vote of the city council at any time. The compensation of the assistant assessors shall be fixed by concurrent vote of the city council.

Assistant assessors.

Vacancies.

Compensation.

School committee to be elected by the voters.

SECTION 21. The school committee of the city shall consist of the mayor, the president of the common council, and twelve other persons, two of whom shall be selected from each ward, and they shall be elected by the qualified voters of the city at large, voting in their respective wards. On the first Tuesday of December next after the acceptance of this act, there shall be chosen members of the committee from wards one and two, to serve for the term of three years, commencing on the first Monday of January then next ensuing, from wards three and four, members to serve for the term of two years commencing on the first Monday of January then next ensuing, and from wards five and six, members to serve for the term of one year commencing on the first Monday of January then next ensuing; and at each subsequent election there shall be elected four members of the school committee to hold their office for the term of three years as successors of, and from the same wards, as those whose term of office expires at the expiration of the then municipal year. The school committee shall serve without compensation. The mayor shall be *ex officio*, chairman of the board, and shall have a casting vote. The committee may elect from their own number, a chairman, who shall preside in the absence of the mayor. The said committee shall appoint, from their own number, or otherwise, a secretary, to be under the direction and control of said committee, and may appoint, but not from their own number, a superintendent of the schools, and the compensation of such secretary and superintendent shall be determined from year to year by the school committee, both of whom they may remove at their pleasure. Vacancies occurring in the board may be filled by the joint ballot of the city council and school committee at any time, in convention, the member so elected to hold office only for the remainder of the municipal year. All the rights and obligations of said town of Newton, in relation to the grant and appropriations of money for the support of schools, and the special powers and authority heretofore conferred by law upon the inhabitants of said town to raise money for the support of schools therein, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools, and the erection and repair of school-houses in said city,

Mayor to be chairman of the board.

Superintendent of schools.

Vacancies may be filled by joint ballot of city council and school committee.

shall be made by the city council in the same manner as grants and appropriations are made for other city purposes.

SECTION 22. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal after their election out of their respective wards into any other wards of the city; but a removal of residence out of the city shall cause a vacancy to exist in the offices to which they were elected.

Officers to discharge their duties after removal from the ward.

SECTION 23. The city council shall take care that no money is paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability, by requiring bonds with sufficient penalties and sureties from all persons entrusted with the receipt, custody or disbursement of money.

City council to take care that no money is paid from treasury unless granted.

SECTION 24. The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way, shall first be acted upon by the mayor and aldermen, and any person dissatisfied with the decision of the city council in the estimate of damages may make complaint to the superior court or the county commissioners of the county of Middlesex, in term time or vacation within one year after such decision, whereupon the same proceedings shall be had as are now provided by the laws of this Commonwealth, in cases where persons are aggrieved by the assessment of damages by selectmen, in the forty-third chapter of the General Statutes.

City council to lay out streets and estimate damages.

SECTION 25. The city council may make ordinances, with suitable penalties, for the inspection, survey, measurement and sale of lumber, wood, hay, coal and bark brought into or exposed in said city for sale, and shall have the same powers as the town had in reference to the suspension of the laws for the protection and preservation of useful birds, and of all other laws, the operation or suspension of which is subject to the action of the town thereon. The city council may also make all such salutary and needful ordinances or by-laws as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties not exceeding twenty dollars, for the breach thereof; which by-laws shall take

May make ordinances for inspection of lumber, &c.

May make such by-laws as towns have power to make.

Proviso. effect and be in force from and after the time therein respectively limited, without the sanction of any court, but subject to the approval of the mayor: *provided, however*, that all laws and regulations in force in said town, shall remain in force until they expire by their own limitation, or are revised or repealed by the city council. All fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury. And any complaint for any violation thereof may be made by the mayor, city clerk, city treasurer, city marshal, or chief of police.

Election of national, state, county and district officers. SECTION 26. All elections of national, state, county and district officers who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections in their respective wards, at the time fixed by law for these elections respectively.

Lists of voters to be made by mayor and delivered to ward clerks. SECTION 27. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and, for that purpose, they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, assistant assessors, and other city officers; and they shall deliver the lists so prepared and corrected to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list. A list of the voters of each ward shall be posted in one or more public places in each ward: *provided, however*, that any person whose name shall not be borne on the list of the ward in which he is entitled to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon, at any time thereafter before the closing of the polls, upon presenting to the ward officers a certificate, signed by the mayor or city clerk, setting forth his right to have his name so entered.

List to be posted in each ward.

General meetings of citizens.

SECTION 28. General meetings of the citizens qualified to vote, may, from time to time, be held to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the rights secured to the people by the constitution of this Commonwealth. And such meetings may, and upon the request, in writing, setting forth the



purposes thereof, of fifty qualified voters, shall be duly warned by the mayor and aldermen.

SECTION 29. All power and authority now vested by law in the board of health for said town, or in the selectmen thereof, shall be transferred to and vested in the mayor and aldermen, until the city council shall otherwise provide, who shall have authority to establish a board of health. Board of health.

SECTION 30. The power and authority vested in said town of Newton by chapter three hundred and forty-four of the acts of the year one thousand eight hundred and seventy-two, entitled, "An Act to supply the town of Newton with water," and by the vote of said town accepted in accordance with the provisions of said act, shall continue in force. The powers thereby conferred shall be exercised by the city council. The act to supply the town of Newton with water continued in force.

SECTION 31. All acts and parts of acts inconsistent with this act, are hereby repealed: *provided, however,* that the repeal of the said acts shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect, and that no offence committed and no penalty or forfeiture incurred under any act hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, and that no suit or prosecution pending at the time of said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under said act, shall be affected by said repeal; and *provided, also,* that all persons who at the time of said repeal taking effect shall hold any office under the said acts, shall continue to hold the same until the organization of the city government contemplated by this charter shall be completely effected. Repeal. Proviso.

SECTION 32. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Newton, for the time being, shall issue their warrants seven days at least previous to the first Tuesday of December next after the acceptance of this act, calling meetings of the citizens of each ward on that day, at such place and hour as they may deem expedient, for the purpose of electing a warden, clerk and inspectors for each ward, and all other officers whose election is pro- First meeting for election of city officers.

vided for in the preceding sections of this act; and the transcripts of the records in each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of the ward at said first meeting, shall be returned to said selectmen, whose duty it shall be to examine and compare the same and give notice thereof in manner before provided to the several persons elected.

Lists of voters to be prepared by selectmen.

At said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as herein before provided. After the election of the city officers as aforesaid, the selectmen shall appoint a place for their first meeting, and shall, by written notice left at the place of residence of each member, notify them thereof. It shall be the duty of the city council, immediately after the first organization, to carry into effect the several provisions of this act.

Act void unless accepted by a majority vote within two years.

SECTION 33. This act shall be void unless the inhabitants of the town of Newton, at a legal meeting called for that purpose, to be held within two years from the passage of this act, shall, by a vote of a majority of the voters present, voting thereon as hereinafter provided, determine to adopt the same. At said meeting the votes shall be taken by written or printed ballots, and the polls shall be kept open not less than six hours. The selectmen shall preside in said meeting, and in receiving said ballots shall use the check lists in the same manner as they are used in the elections of state officers. Any meeting for this purpose shall not be held prior to the first day of October next, and shall not be held in the month of November or December. And if at any such meeting this act shall not be accepted, the same shall not be again submitted to the vote of said inhabitants at any subsequent meeting held within six months from the date of the prior meeting.

SECTION 34. This act shall take effect upon its passage.

*Approved June 2, 1873.*

## Ch. 327.

### AN ACT TO DISSOLVE CERTAIN CORPORATIONS.

*Be it enacted, &c., as follows :*

Corporations dissolved.

SECTION 1. Such of the following corporations as are not already legally dissolved, viz. :—

Adams Cotton and Woolen Manufactory, The.  
Adams North Village Cotton Factory.

Corporations  
dissolved.

Adams South Village Manufacturing Company.  
 Etna Mills, which was organized under General Laws in 1863.  
 Agricultural and Mechanic Hall Association.  
 Albion Coffee Huller Company.  
 American Arms Company.  
 American Bituminized Pipe Company.  
 American Cordage Company.  
 American Factory.  
 American Flax Cotton Company.  
 American Hosiery Company.  
 American Leather Peg Company.  
 American Machine Company.  
 American Machine Works.  
 American Metallic Packing Company.  
 American Nail Company.  
 American Nail Machine Company.  
 American Nut and Arms Company.  
 American Safety Steam Engine Company.  
 Amesbury Ferry Aqueduct, The Proprietors of the.  
 Amesbury Flannel Manufacturing Company.  
 Amesbury Nail Factory Company, The.  
 Amherst Manufacturing Company.  
 Andrews Fishing Company in Harwich.  
 Aqueduct in Greenfield, The Proprietors of the.  
 Aqueduct in Hopkinton, The Proprietors of the.  
 Aqueduct in Lancaster, The Proprietors of the.  
 Aqueduct in Stockbridge, The Proprietors of the.  
 Ashburnham Leather Manufactory.  
 Ashuelot Manufacturing Company.  
 Athol Manufacturing Company.  
 Atlantic Silk Company.  
 Atlantic Wharf Company.  
 Ballard Vale Machine Shop.  
 Bathing House in Newburyport, Proprietors of a.  
 Bellingham Woollen and Cotton Manufactory.  
 Bellingham Cotton Manufacturing Company.  
 Bellingham Steam Engine Company.  
 Belvidere Manufacturing Company.  
 Bemis Company.  
 Bemis Manufacturing Company.  
 Beoli Company.  
 Berkshire Cotton Company.  
 Berkshire Glass Company.  
 Berkshire Iron Company.  
 Beverly Cotton Manufactory, The Proprietors of the.  
 Beverly Rubber Company.  
 Blumvale Iron Company.  
 Bolivar Manufacturing Company.  
 Boston and Barre Company, The.  
 Boston and Canton Manufacturing Company.  
 Boston and Chelsea Iron and Screw Company.  
 Boston and Colonial Steamship Company.  
 Boston and Gloucester Granite Company.  
 Boston and Gloucester Steamboat Company.  
 Boston and Lynn India Rubber Manufacturing Company.  
 Boston and New Brunswick Hemlock Bark Extract Company.  
 Boston and New York Steamboat Company.

Corporations  
dissolved.

Boston and Roxbury Patent Leather and Cloth Company.  
 Boston Oil Creek Company.  
 Boston and Southern Steamship Company.  
 Boston and Stoneham Marble Company.  
 Boston and Walpole Woollen Manufacturing Company.  
 Boston Bolt and Machine Company.  
 Boston Carpet Company.  
 Boston Chemical Company.  
 Boston Chemical Paint Company.  
 Boston Chrome and Chemical Company.  
 Boston Copper Manufacturing Company.  
 Boston House Company.  
 Boston Iron Tube Company.  
 Boston Locomotive Works.  
 Boston Milling Company.  
 Boston Paper Company.  
 Boston Planing and Moulding Company.  
 Boston Steam Engine Company.  
 Boston Temperance Hall Association.  
 Boston Water Power Cordage Manufactory.  
 Boston White Flint Marble Company.  
 Bottomly Manufacturing Company.  
 Boylston Company.  
 Bradford Flax Company.  
 Bridgewater Cotton Gin Manufacturing Company.  
 Briggs Iron Company.  
 Brookline and Back Bay Street Railroad Company.  
 Brookline Hotel Company, which was chartered in 1856.  
 Burleigh Tunnel and Mining Company.  
 Caleb's Pond Company.  
 Cambridge Stamping Company.  
 Cambridgeport Aqueduct Company.  
 Canton Hardware Company.  
 Cape Ann Telegraph Company.  
 Cape Cod Foundry Company.  
 Carbon Lamp Company, The.  
 Central Coffee House Company.  
 Central Wharf Company.  
 Centralville Cotton and Woollen Manufacturing Company.  
 Charles River Woollen Manufacturing Company.  
 Chatham and Harwich Manufacturing Company.  
 Chelmsford Company.  
 Cherry Valley Coöperative Association.  
 City Wharf Company.  
 Clear Creek Tunnel Company.  
 Cocasset Coal Mining Company.  
 Cochituate Lead Company.  
 Colton Refrigerator Company.  
 Concord Mill Dam Company.  
 Concord Steam Mill Company.  
 Consolidated Gas Company.  
 Conway Tool Company.  
 Cordaville Manufacturing Company.  
 Cordaville Mills.  
 Coy's Brook Fishing Company in Harwich.  
 Crispin Coöperative Company.  
 Crown and Eagle Mills, Proprietors of the.

Curtisville Cotton Manufacturing Company.  
 Curtis Hat Factory.  
 Dadmun Manufacturing Company.  
 Dalton Cotton and Paper Manufacturing Company.  
 Dana Manufacturing Company.  
 Danvers Cotton Factory Company, The.  
 Davenport Car Company.  
 Davis Manufacturing Company.  
 Dedham Manufacturing Company, The.  
 Dedham Sugar Refinery.  
 Dedham Worsted Factory.  
 Diamond Manufacturing Company.  
 Dimon Manufacturing Company.  
 Dighton Furniture Company.  
 Dorchester Cotton and Iron Factory  
 Dorchester Whaling Company.  
 Dorr Manufacturing Company.  
 Douglass Cotton Manufacturing Company.  
 Dudley Cotton Manufacturing Company.  
 Dudley Woollen Manufacturing Company.  
 Duxbury Manufacturing Company, The.  
 Duxbury South River Manufacturing Company.  
 Duxbury Whaling Company.  
 Eagle Manufacturing Company.  
 Eagle Steel Company.  
 East Boston Wharf Company.  
 East Bridgewater Manufacturing Company.  
 East Mansfield Manufacturing Company.  
 East Medway Manufacturing Company.  
 East Sandwich Dyking Company.  
 Easton Lead and Silver Mining and Manufacturing Company.  
 Easton Manufacturing Company, The.  
 Edgeworth Company.  
 Eliot Mills.  
 Elliot Manufacturing Company.  
 Emery House in Springfield, Proprietors of the.  
 Essex County Health Insurance Company.  
 Essex Printing Company.  
 Essex Steam Mills.  
 Ethridge Improved Boot and Shoe Company.  
 European Wharf Company.  
 Fall River Whaling Company.  
 Faneuil Iron Company.  
 Fitchburg Cotton Manufacturing Corporation, The.  
 Foxborough Cotton Manufacturing Company, The.  
 Framingham Hotel Company.  
 Franklin Laboratory.  
 Franklin Locomotive Company.  
 Franklin Machine Company.  
 Franklin Manufacturing Company.  
 Fredonian Manufacturing Company.  
 Gay Cotton Manufacturing Company.  
 Glendale Company.  
 Glendale Mills.  
 Glendon Rolling Mill.  
 Globe Steam Mills.  
 Gloucester Canal, Proprietors of the.

Corporations  
 dissolved.

Corporations  
dissolved.

Gloucester Fishing Company.  
 Goodman Paper Manufacturing Company.  
 Grafton Manufacturing Company.  
 Grand Junction Wharf Company.  
 Granite Steam Mill Company.  
 Great Falls Paper Manufacturing Company.  
 Green River Hemp and Flour Company.  
 Green River Manufacturing Company.  
 Groveland Linen Company.  
 Hadley Falls Company.  
 Hampden Brewery, Proprietors of the.  
 Hampshire and Hampden Mining Company.  
 Hampton Paper Company.  
 Hancock Mills.  
 Hanson Manufacturing Company.  
 Haverhill Cotton and Wool Manufactory.  
 Hermitage Mining Company.  
 Hingham Malleable Iron Company.  
 Hingham Umbrella Manufacturing Company.  
 Hingham Woollen Manufactory, The.  
 Holliston Cloth Manufactory, The.  
 Holliston Cotton and Woollen Manufactory, The.  
 Hoosack Cotton, Woollen and Linen Manufactory.  
 Hope Oyster Company.  
 Hopkinton Cotton Manufacturing Company.  
 Housatonic Manufacturing Company.  
 Hubbardston Copperas Manufacturing Company.  
 Hyde Park Company.  
 Indian Orchard Canal Company.  
 Keith Iron Company.  
 Lake Rock Granite Company.  
 Lanesborough Marble Company.  
 Lawrence Paper Company.  
 Lead Pipe Manufacturing Company.  
 Lee Boot and Shoe Company.  
 Leicester Manufacturing Company.  
 Linden Carriage Spring and Axle Manufacturing Company.  
 Lowell Brewery.  
 Lowell Museum.  
 Lowell Power Harness Company.  
 Ludlow Manufacturing Company, which was chartered in 1815.  
 Ludlow Manufacturing Company, which was chartered in 1849.  
 Lyceum Hall and Chapel Building, Proprietors of the.  
 Lynn Long Wharf Company, The.  
 Lynn Mineral Spring Company.  
 Lynn Printing Company.  
 Lynn Union Wharf Company, The.  
 Lynn Wire Manufacturing Company.  
 Lynn Workingmen's Co-operative Association.  
 Magic Paper Collar Company.  
 Malden Canal Company.  
 Malden Nail Manufactory, The.  
 Malden Tube Works.  
 Manomet Iron Company.  
 Mansfield Coal and Mining Company.  
 Mansfield Cotton Manufacturing Company.  
 Marblehead Cordage Company.

Corporations  
dissolved.

Martha's Vineyard Steamboat Company.  
 Massachusetts Beach Grass Paper Company.  
 Massachusetts File Manufacturing Company, The.  
 Massachusetts Glass Company.  
 Massachusetts Hemp Company.  
 Massachusetts Wood Preserving Company.  
 Matfield Manufacturing Company.  
 Mattapan Iron Company.  
 Maverick Woolens Company.  
 McKay Turned Shoe Company.  
 Mechanic Hall in Lynn, Proprietors of.  
 Mechanics' Steam Mill Company.  
 Medford Branch Canal and Locks, The Proprietors of the.  
 Medford Citizens' Union Store Association.  
 Medford Wire and Screw Factory Company, The.  
 Medway Cotton Manufactory, The.  
 Merchants' Boston and New Orleans Steamship Company.  
 Merino Wool Factory Company, The.  
 Merrimack River Lumber Company.  
 Merrimack Steam Navigation Company.  
 Metallic Art Works.  
 Middleborough Manufacturing Company, The.  
 Middlesex Bridge, The Proprietors of the.  
 Middlesex Iron Company.  
 Middlesex Merrimack River Bridge, Proprietors of the.  
 Midneag Manufacturing Company.  
 Milford Academy, Proprietors of.  
 Milford Hotel Company.  
 Mill River Reservoir Company.  
 Mill Dam Foundry, Proprietors of the.  
 Miller's River Bridge Corporation.  
 Mills Steam Company.  
 Monitorial School in the City of Boston, Proprietors of the.  
 Monson and Brimfield Manufacturing Company, The.  
 Monson Woollen Manufacturing Company, The.  
 Monterey Hydraulic Company.  
 Mount Pleasant Cotton and Woollen Manufacturing Company.  
 Mount Washington Avenue Corporation.  
 Munroe Company, The.  
 Nahant Hotel, Proprietors of.  
 Nahant Steamboat Company.  
 Nantucket Lyceum.  
 Nantucket Steamboat Company.  
 Natick Paper Company.  
 National Electric Gas Lighting Company.  
 Naukeag Manufacturing Company.  
 New Bedford South Shore Boot and Shoe Company, The.  
 Neponset Company.  
 Neponset Cotton Factory Company, which was chartered in the year  
 1814.  
 Neponset Manufacturing Company.  
 Neponset Paper Mills.  
 Neponset Wharf Company.  
 New Bedford and Fairhaven Railway Company.  
 New Bedford Street Railroad Company.  
 New England Chemical Laboratory.  
 New England Coal Company.

Corporations  
dissolved.

New England Coal Mining Company.  
 New England Concrete Pavement Company.  
 New England Cordage Company.  
 New England Cordage Manufacturing Company.  
 New England Crown Glass Company.  
 New England Diamond Drill Company.  
 New England Electric Gas Lighting Company.  
 New England Ice Company.  
 New England Nicolson Pavement Company.  
 New England Painted Floor Cloth Company.  
 New England Pharmaceutical Company.  
 New England Portable Pump Company.  
 New England Silk Company.  
 New Market Manufacturing Company, The.  
 Newburyport, Boston and Haverhill Steamboat Company.  
 Newburyport Hosiery Company.  
 Newburyport Hosiery Manufacturing Company.  
 Newburyport Steam Cotton Factory.  
 Newburyport Submarine and Wrecking Company.  
 Newburyport Woollen Manufactory, The Proprietors of the.  
 Newton Factories.  
 Newton Mills, which was chartered in the year 1853.  
 Newton Wire Manufactory, The.  
 Nobscusset Point Pier Company, The.  
 Norfolk Cotton Manufactory, Proprietors of the.  
 Norfolk House, Proprietors of the.  
 Norfolk Laboratory, Proprietors of the.  
 Norfolk Lead Company.  
 North Adams Iron Company.  
 North Adams Water Company.  
 North Bridgewater Coöperative Grocery Association.  
 North Oxford Manufacturing Company.  
 North Wayne Tool Company.  
 North Wharf Company.  
 Northampton, Hadley and Amherst Street Railway Company.  
 Northbridge Cloth Manufacturing Company.  
 Northbridge Cotton Manufacturing Company.  
 Norton Manufacturing Company,  
 Oakdale Hotel Company.  
 Old Colony Cordage Company.  
 Old Colony Oil Company.  
 Orange Cotton Factory Company, The.  
 Orr Manufacturing Company.  
 Otter River Manufacturing Company.  
 Oxford Central Manufacturing Company The.  
 Oxford Woollen Manufacturing Company.  
 Palmer's River Manufacturing Company.  
 Pemberton Collar Company.  
 Pemberton Manufacturing Company.  
 Pemberton Mill.  
 Pembroke Cotton and Wool Manufactory.  
 Pembroke Steamboat Company.  
 Perkins Mills.  
 Petersham Cotton Factory, The.  
 Phillipston Cotton and Woollen Manufacturing Company.  
 Pitchewan Manufacturing Company.  
 Plymouth Cotton Manufactory, The.



Corporations  
dissolved.

Pneumatic Drill Company.  
 Pocasset Iron Company.  
 Pocumtuck Hotel Company.  
 Powow River Mills.  
 Prescott Manufacturing Company.  
 Provincetown Marine Railway.  
 Quincy Granite Company.  
 Quinsigamond House, Proprietors of the.  
 Quinsigamond Paper Mills Company.  
 Rivulet Manufacturing Company, The.  
 Robbins Cordage Company.  
 Rock Harbor River Company.  
 Roxbury Colour and Chymical Manufactory  
 Roxbury Hair Cloth Company.  
 Roxbury India Rubber Factory.  
 Roxbury Silk Factory.  
 Roxbury Wool and Worsted Company.  
 Rubber Clothing Company.  
 S. P. Ruggles Power Press Manufacturing Company.  
 Sagamore Hotel Company in Lynn, Proprietors of the.  
 Salem Union Street Corporation.  
 Salisbury Manufacturing Company.  
 Sanchaehantacket Fishing Company.  
 Sargent's Wharf, Proprietors of.  
 Second Universalist Meeting-House in the Town of Cambridge,  
 Proprietors of the.  
 Second Universalist Meeting-House in Lowell, Proprietors of the.  
 Sharon Cotton Manufacturing Company, The.  
 Shawmut Gas Light Company.  
 Shawmut Gas Light Company in the City of Boston.  
 Shawmut Sugar Refining Company.  
 Shirley Manufacturing Company.  
 South Lee Manufacturing Company.  
 South Randolph Coöperative Association.  
 South Wilbraham Manufacturing Company.  
 Southworth Manufacturing Company.  
 Springfield Ames Paper Manufacturing Company.  
 Springfield Canal Company.  
 Springfield Car and Engine Company.  
 Springfield Card Manufacturing Company.  
 Springfield Cork Manufacturing Company.  
 Springfield Manufacturing Company.  
 Springfield Satinet Company, The.  
 Springfield Water Power Company.  
 Spy Pond Water Company.  
 Steep Brook Cotton and Woollen Manufacturing Company.  
 Stockbridge Cotton Manufacturing Company.  
 Stoneham Manufacturing Company.  
 Stoneham Marble and Lime Company.  
 Stoneville Manufacturing Company.  
 Stony Brook Manufacturing Company, The.  
 Stoughton Woollen and Cotton Manufacturing Company.  
 Stratton Cotton Manufacturing Company.  
 Suffolk and Tremont Mills.  
 Suffolk Cordage Company.  
 Suffolk Gas Company.  
 Swanzev Paper Company.

Corporations  
dissolved.

Swansey Union Manufacturing Company, The.  
 Taber Plane Company.  
 Temperance Hall Association in Dedham.  
 Three Rivers Manufacturing Company.  
 Townsend Leather Company.  
 Tremont House, The Proprietors of.  
 Tremont Iron Company.  
 Tremont Oil Company.  
 Truro Pond Harbor Corporation, The.  
 Truro Wharf and Breakwater Company.  
 Tufts Manufacturing Company.  
 Type Setting and Justifying Machine Company.  
 Union Hall Society.  
 Union Heel Manufacturing Company.  
 Union Mills, The.  
 Union Patent Knife and Needle Company.  
 Union Wharf Company, Truro, which was chartered in 1831.  
 Union Wheel Factory Company, The.  
 Unitarian Meeting-House in Greenfield, Proprietors of the.  
 United States Glass Company.  
 United States Hotel Company in Lawrence.  
 United States Standard Nut Company.  
 Upper Falls Meeting-House in Newton, Proprietors of the.  
 Upton Hotel, Proprietors of the.  
 Uxbridge Woollen Manufacturing Company.  
 Van Deusenville Manufacturing Company.  
 Village Factory.  
 Wading River Reservoir Company, which was chartered in 1846.  
 Wadsworth Woollen Company.  
 Wales Manufacturing Company.  
 Wales Woollen Manufacturing Company.  
 Walomopogge Manufacturing Company, The.  
 Walpole Manufacturing Company.  
 Waltham Cotton and Wool Factory Company, The.  
 Wanalancett Iron and Tube Company.  
 Ward Manufacturing Company.  
 Ward Mills.  
 Ware Gas Light Company.  
 Wareham Cotton Mills.  
 Wareham Iron Company.  
 Washburn Steam Works.  
 Watatick Manufacturing Company.  
 Webster Slate Company.  
 West Brook Company.  
 Westfield Manufacturing Company, The.  
 Westfield Paper Mills.  
 Westfield White Lead Company.  
 Wewantitt Bridge, Proprietors of the.  
 Weymouth Aqueduct Corporation.  
 Wheaton Manufacturing Company.  
 Whitney Chair Company.  
 Wickersham Nail Company.  
 Williamstown Manufacturing Company, which was chartered in 1828.  
 Willimansett Manufacturing Company.  
 Winchendon Manufacturing Company.  
 Wolf Hill Lead Mine and Manufacturing Company.  
 Woodbridge Manufacturing Company.

Worcester Coal Mining Company.  
 Worcester Machine Shop Company.  
 Worcester Peat Company.  
 Worthen Manufacturing Company.  
 Wrentham Carpet Company.  
 Wrentham Manufacturing Company, The.  
 Yarmouth Port Ice Company.

Corporations  
 dissolved.

are hereby dissolved, subject to the provisions of sections thirty-six and thirty-seven of chapter sixty-eight of the General Statutes.

SECTION 2. Nothing in this act shall be construed to affect any suits now pending by or against any corporation mentioned in the first section of this act, nor any suit now pending or hereafter brought for any liability now existing against the stockholders or officers thereof, nor to revive any charter or corporation previously dissolved or annulled, nor to make valid any defective organization of any of the supposed corporations mentioned in said first section.

Suits pending  
 not to be affect-  
 ed.

SECTION 3. Suits upon choses in action arising out of contracts sold or assigned by any corporation dissolved by this act may be brought or prosecuted in the name of the purchaser or assignee. The fact of sale or assignment, and of purchase by the plaintiff, shall be set forth in the writ or other process; and the defendant may avail himself of any matter of defence of which he might have availed himself in a suit upon the claim by such corporation, had it not been dissolved by this act.

Suits arising out  
 of contracts sold  
 may be prose-  
 cuted by as-  
 signee.

SECTION 4. This act shall take effect upon its passage.

*Approved June 2, 1873.*

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AN ACT IN FURTHER ADDITION TO AN ACT CONCERNING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS.

*Ch. 328.*

*Be it enacted, &c., as follows :*

SECTION 1. Section forty-nine of chapter four hundred and fifteen of the acts of the year eighteen hundred and sixty-nine is amended by striking out the words "and by publishing an attested copy at least twice in some newspaper printed in the county where the seizure is made, if there is any such paper," and also by striking out the words "and the first publication in the newspaper."

Amendment to  
 1869, 415, § 49.

SECTION 2. This act shall take effect upon its passage.

*Approved June 2, 1873.*

**Ch. 329.** AN ACT TO AUTHORIZE THE SOUTH BOSTON RAILROAD COMPANY TO INCREASE ITS CAPITAL STOCK.

*Be it enacted, &c., as follows :*

\$150,000 additional capital stock.

The South Boston Railroad Company may increase its capital stock by adding thereto a sum not exceeding one hundred and fifty thousand dollars. *Approved June 2, 1873.*

**Ch. 330.** AN ACT IN RELATION TO THE WORCESTER ACADEMY.

*Be it enacted, &c., as follows :*

Number of trustees to be not less than fifteen nor more than twenty-five.

**SECTION 1.** Hereafter, the number of trustees of the Worcester Academy, an institution incorporated by act of the legislature of eighteen hundred and thirty-four, shall not be less than fifteen, nor more than twenty-five.

**SECTION 2.** This act shall take effect upon its passage.

*Approved June 2, 1873.*

**Ch. 331.** AN ACT TO ESTABLISH A STANDARD FORM FOR INSURANCE POLICIES.

*Be it enacted, &c., as follows :*

Prescribed form of the "Massachusetts Standard Policy" of insurance.

**SECTION 1.** Any insurance company authorized to issue policies in this Commonwealth may print upon their policies the words "Massachusetts Standard Policy," provided that the printed parts of such policies are in the following form and language, and that all other provisions of said policies, except as provided in section two, are in writing :—

Premium.	The	Insurance Company, of
	, in consideration of	dollars,
Amount insured.	insures	
Property insured.	to the amount of	dollars, on
Property not covered by policy.	Bills of exchange, notes, accounts, evidences and securities of property of every kind, books, wearing apparel, plate, money, jewels, musical instruments, medals, paintings, sculpture, and curiosities are not included in said insured property, unless specially mentioned.	
Term.	Said property is insured for the term of	
dred and	beginning on the	day of
day of	in the year one thousand eight hundred and	
	at noon, and continuing until the	
	in the year one thousand eight hundred and	
	at noon, against all loss or damage	
Perils insured against.	by fire, originating in any cause except invasion, foreign enemies, civil commotions, riots, or any military or usurped power whatever; the amount of said loss or damage to be estimated according to the actual value of the insured property at the time when such loss or damage happens, but not to include loss or damage caused by explosions of any kind, unless fire ensues, and then to include that caused by fire only.	
Matters avoiding policy.	This policy shall be void if any material fact or circumstance stated in writing has not been fairly represented by the insured,—or if the insured now	

has or shall hereafter make any other insurance on the said property without the written assent of the company,—or if, without such assent, the said property shall be removed, unless such removal shall be necessary for its preservation from fire,—or if, without such assent, the situation or circumstances affecting the risk shall, by or with the advice, agency or consent of the insured, be so altered as to cause an increase of such risk, the non-occupancy of the premises insured or containing the property insured not being deemed, however, to cause such increase,—or if, without such assent, the said property shall be sold, or this policy assigned,—or if the insured shall make any attempt to defraud the company,—or if gunpowder or other articles subject to legal restriction shall be kept in quantities or manner different from those allowed or prescribed by law,—or if camphene, benzine, naphtha, or other chemical oils or burning fluids shall be used by the insured on the premises insured, except that what is known as refined petroleum, kerosene, or coal oil, may be used in stores or dwellings for lighting.

If the insured property shall be exposed to loss or damage by fire, the insured shall make all reasonable exertions to save and protect the same.

In case of any loss or damage under this policy, a *statement* in writing, signed and sworn to by the insured, shall be forthwith rendered to the company, setting forth the value of the property insured, the interest of the insured therein, all other insurance thereon, the purposes for which and the persons by whom the building insured, or containing the property insured, was used, and the time at which and manner in which the fire originated, so far as known to the insured. The company may also examine the books of account and vouchers of the insured, and make extracts from the same.

In case of any loss or damage, the company, within sixty days after the insured shall have submitted a statement, as provided in the preceding clause, shall either pay the amount for which it shall be liable, or replace the property with other of the same kind and goodness,—or it may within [fifteen] days after such statement is submitted, notify the insured of its intention to rebuild or repair the premises, and shall thereupon enter upon said premises and proceed to rebuild or repair the same with reasonable expedition. It is moreover understood that there can be no abandonment of the property insured to the company, and that the company shall not in any case be liable for more than the sum insured, with interest thereon from the time when the loss shall become payable, as above provided.

If there shall be any *other insurance* on the property insured, whether prior or subsequent, the insured shall recover on this policy no greater proportion of the loss sustained than the sum hereby insured bears to the whole amount insured thereon. And whenever the company shall pay any loss, the insured shall assign to it, to the extent of the amount so paid, all rights to recover satisfaction for the loss or damage from any person, town, or other corporation, excepting other insurers; or the insured, if requested, shall prosecute therefor at the charge and for the account of the company.

Assured to protect property in case of exposure to fire.

Statement by insured in case of loss.

Payment of loss to be made within 60 days after proof, unless company elects to replace or repair.

Apportionment of loss in case of other insurance.

Insured to assign to company claims against third parties.

Cancellation of policy. This policy may be *cancelled* at any time at the request of the insured, who shall thereupon be entitled to a return of the portion of the above premium remaining, after deducting the customary monthly short rates for the time this policy shall have been in force. The company also reserves the right, after giving written notice to the insured, and tendering to the insured a ratable proportion of the premium, to cancel this policy as to all risks subsequent to the expiration of ten days from such notice.

Rights of parties in case the policy is made payable to a mortgagee.

If this policy shall be made payable to a mortgagee, no act or default of the insured shall affect such mortgagee's right to recover in case of loss: *provided*, that he shall, on demand, pay according to the established scale of rates for any increase of risks not paid for by the insured, and shall, if the company shall elect upon the happening of a loss to pay him the whole amount secured by this mortgage, assign to the company, upon such payment, his said mortgage, together with the note and debt thereby secured, and all other securities held by him as collateral for the same

Differences to be submitted to referees.

In case any difference of opinion shall arise as to the rights of the parties under this policy, the subject thereof shall be referred to three disinterested men, the company and the insured each choosing one out of three persons to be named by the other, and the third being selected by the two so chosen, and the decision of a majority of said referees shall be final and binding on the parties.

*In witness whereof* the said company has caused this policy to be signed by its president and countersigned by its secretary this day of \_\_\_\_\_ in the year one thousand eight hundred and \_\_\_\_\_

*President.*

*Secretary.*

Name, location, date of incorporation, &c., may be printed in policy.

SECTION 2. The provisions of the preceding section shall not prevent any company from printing on or in any policy so to be designated as "Massachusetts Standard Policy" the name, location and date of incorporation of the company, the amount of its capital stock, the names of its officers and agents, and the number and date of the policy; and shall not prevent the use of printed forms of description and specification of the property insured under said policies, nor, in case any such policy is issued through any agent of such company shall said provisions prevent the company from printing on or in any policy the following words:—"This policy shall not be valid until countersigned by the duly authorized agent of the company at \_\_\_\_\_."

Penalty on agent or company for not conforming to provisions of this act.

SECTION 3. Any insurance company, and any agent of any insurance company, or any person soliciting insurance, who shall issue any policy of insurance not conforming to the provisions of this act, which shall

contain on or in such policy the words "Massachusetts Standard Policy," or any other similar designation, shall for each offence forfeit and pay to the use of the Commonwealth one thousand dollars, to be sued for and recovered with costs, in the name of the Commonwealth, in an action of tort.

SECTION 4. Any insurance company, and any agent of such company or other person soliciting insurance, who shall after July first, eighteen hundred and seventy-three, issue or deliver any policy of insurance against loss or damage by fire, differing as to any of its printed words from the form set forth in this act, shall first file with the insurance commissioner a copy of the printed form of contract or policy intended to be thereafter used and issued by said company, agent, or person in this Commonwealth, and thereafter in case of any change in such printed form, a statement thereof shall also be filed with the insurance commissioner prior to the use of a form containing such change in printed words, and any company, agent or person failing or refusing to comply with the provisions of this section, may be enjoined on complaint of the insurance commissioner from issuing any more policies of insurance in this Commonwealth. And, upon a request made by the secretary of any incorporated board of trade, chamber of commerce, or corn exchange, said insurance companies, agents, or persons shall furnish them, through the insurance commissioner, with copies of the printed forms of policy used or issued by them respectively in this Commonwealth, and of all changes made in such forms as above provided.

Company not using the "Standard" form to file with commissioner a copy of form they intend to use.

SECTION 5. It shall be the duty of the insurance commissioner to keep such forms of contract or policy of insurance, and changes therein, in a book provided for such purpose, and also to examine such forms, and to note in said book, in a convenient manner for reference, the material variations of such forms from the form set forth in this act, which book shall be open to the inspection of the public, at the office of the insurance commissioner. Said insurance commissioner shall furnish a copy of such variations to any person applying for the same, and may charge a fee not exceeding one dollar for each such service, provided such service shall be performed in his individual capacity, and that the Commonwealth shall not assume any responsibility therefor.

Forms of policies to be kept by commissioner open to inspection of the public.

Policy issued in violation of this act to be binding upon company.

SECTION 6. Any policy of insurance issued or delivered in this Commonwealth in violation of any of the provisions of this act, shall nevertheless be binding upon the company issuing the same.

*Approved June 3, 1873.*

### Ch. 332.

#### AN ACT TO ESTABLISH HARBOR LINES ON NEPONSET RIVER.

*Be it enacted, &c., as follows :*

Harbor lines established on Neponset River.

SECTION 1. The lines hereinafter described are established as lines on the westerly and easterly sides of Neponset River respectively, beyond which no wharf, pier or other structure shall ever hereafter be extended in or over the tide-water of the Commonwealth.

Description of lines on westerly side of river.

SECTION 2. The line on the westerly side of Neponset River herein established begins at the point N, defined in the fourth section of the two hundred and ninety-third chapter of the acts of the year eighteen hundred and fifty-six, and runs thence south-easterly to the point O shown on the harbor commissioners' plan of harbor lines on Neponset River, dated the first day of May of the year eighteen hundred and seventy-three, which point is distant fourteen hundred and sixty feet from the rail mentioned in said fourth section, measuring at right angles therewith, from a point distant twenty-six hundred and seventy feet north-westwardly from the draw mentioned in said fourth section; thence south-eastwardly again to the point P distant sixteen hundred and thirty feet from said rail, measuring at right angles therewith, from a point distant twenty-one hundred and fifty feet north-westwardly from said draw; thence south-eastwardly again to the point Q distant seventeen hundred feet north-eastwardly from said rail, measuring at right angles therewith from a point distant sixteen hundred feet north-westwardly from said draw; thence south-eastwardly again to the point R distant fifteen hundred and ninety feet south-eastwardly from said rail, measuring at right angles therewith from a point ten hundred and ninety feet north-westwardly from said draw; thence south-eastwardly again to the point S distant thirteen hundred and forty feet north-eastwardly from said rail, measuring at right angles therewith from a point distant six hundred and thirty feet north-westwardly from said draw; thence southerly to the point T distant eleven hundred and forty feet south-eastwardly from said rail, measuring at right angles therewith from a point distant three hundred and eighty feet north-westwardly from said



draw; thence south-westwardly to the point U distant eight hundred and fifty feet south-eastwardly from said rail, measuring at right angles therewith from a point distant two hundred and seventy feet north-westwardly from said draw; thence south-westwardly again to the point W on the south-eastwardly corner of James Jenkins' wharf, formerly so called; thence south-westerly again to the point X on the south-eastwardly corner of W. H. Chamberlin's wharf, formerly so called; thence continuing south-westwardly along the south-eastwardly ends of said Chamberlin's wharf and of Edward Preston's wharf, formerly so called, to the point Y on the eastwardly side of the Neponset Bridge.

So much of said two hundred and ninety-third chapter of the acts of the year eighteen hundred and fifty-six as establishes the harbor line from the point N to the point S as therein described, is hereby repealed.

SECTION 3. The line on the easterly side of Neponset River commences at the point A<sup>1</sup>, shown on said harbor commissioners' plan, on the north-easterly side of the Old Colony Railroad bridge, distant four hundred feet south-eastwardly from the harbor line herein before described, on the opposite side of the river, between the points W and X, measuring at right angles from said line, and runs north-eastwardly parallel to the line WU herein before described on the opposite side of the river to the point B<sup>1</sup> distant four hundred feet south-eastwardly from the point U, measuring at right angles to the said line WU; thence north-eastwardly again to the point C<sup>1</sup> distant four hundred and fifty feet south-eastwardly from the said opposite point T, measuring on a line bisecting the angle at said point T; thence northwardly to the point D<sup>1</sup> distant four hundred and fifty feet eastwardly from the said opposite point S, measuring on a line bisecting the angle at said point S; thence north a little westwardly to the point E<sup>1</sup> distant four hundred and fifty feet eastwardly from the said opposite point R, measuring on a line bisecting the angle at said point R; thence north still more westwardly to the point F<sup>1</sup> distant four hundred and fifty feet north-eastwardly from the said opposite point Q, measuring on a line bisecting the angle at said point Q; thence north-westwardly to the point G<sup>1</sup> distant five hundred feet from the said opposite point P, measuring on a line bisecting the angle at said point P; thence north-westwardly again

Description of  
lines on easterly  
side of river.

to the point  $H^1$  distant six hundred feet north-eastwardly from the said opposite point  $N$ , measuring on a line bisecting the angle at said point  $N$ ; thence north-westwardly more northwardly to the point  $I^1$  distant six hundred feet eastwardly from the opposite point  $M$ , defined in the fourth section of chapter two hundred and ninety-three of the acts of the year eighteen hundred and fifty-six, measuring on a line bisecting the angle at said point  $M$ ; thence northwardly to the point  $J^1$  distant eight hundred feet eastwardly from the said opposite point  $L$ , defined in said fourth section measuring on a line at right angles to the line  $ML$ , defined as aforesaid.

No structure to be extended beyond the established lines.

SECTION 4. No wharf, pier, building, structure, or incumbrance of any kind shall ever hereafter be extended beyond the said lines into or over the tide-water of said river, nor shall any wharf, pier or other structure which is now erected on the inner side of either of said lines extend further towards the said line than such wharf, pier or structure now stands, or than the same might have been lawfully enlarged or extended before the passing of this act, without leave first obtained according to law.

Penalties.

SECTION 5. Every person or corporation offending against the provisions of this act shall be deemed guilty of a misdemeanor, and shall be liable to be prosecuted therefor by indictment or information in any court of competent jurisdiction, and on conviction shall be punished by a fine not less than one thousand dollars nor more than five thousand dollars for every offence, and any structure or obstruction which shall be made contrary to the provisions and intent of this act, shall be liable to be removed and abated as a public nuisance, in the manner provided for the removal and abatement of nuisances in the public highway or in any other manner authorized by law.

*Approved June 3, 1873.*

**Ch. 333.** AN ACT TO AMEND AN ACT IN RELATION TO THE CAPITAL OF GAS CORPORATIONS.

*Be it enacted, &c., as follows:*

Amendment to 1873, 39, § 1.

SECTION 1. Section one of chapter thirty-nine of the acts of the present year is amended by adding at the end thereof the following words, to wit: "and with the further exception that such shares of stock may be offered for sale either in the town or city where the corporation is located, or in the city of Boston, or in both places."

SECTION 2. This act shall take effect upon its passage.

*Approved June 3, 1873.*

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES. *Ch. 334.*

*Be it enacted, &c., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

In the resolve, chapter seven, in favor of certain insurance agents, in re-imbursement for taxes overpaid, one hundred and thirty-six dollars and twenty-eight cents. *Appropriations authorized.*

In the resolve, chapter ten, in favor of George Downes, the sum of twenty-four dollars, on account of state aid. *George Downes.*

In the resolve, chapter thirteen, in favor of Ella J. Buxton, the sum of one hundred and seventy-five dollars, on account of state aid. *Ella J. Buxton.*

In the resolve, chapter fifteen, in favor of George H. Johnston, for expenses incurred in trial by court of inquiry, the sum of two hundred and sixty-two dollars. *George H. Johnston.*

In the resolve, chapter sixteen, in favor of Timothy Murphy, for injuries received at the Hoosac Tunnel, the sum of two hundred dollars. *Timothy Murphy.*

In the resolve, chapter seventeen, in favor of the disabled soldiers' employment bureau, the sum of three thousand dollars. *Disabled soldiers.*

In the resolve, chapter eighteen, in favor of the town of West Boylston, for the support of a state pauper, the sum of two hundred and seventy-eight dollars and twenty cents. *West Boylston.*

In the resolve, chapter nineteen, in favor of the Massachusetts Charitable Eye and Ear Infirmary, the sum of ten thousand dollars. *Eye and Ear Infirmary.*

In the resolve, chapter twenty, authorizing the sergeant-at-arms to lease a suitable building for the use of the insurance department, and for other purposes, a sum not exceeding six thousand dollars. *Insurance department.*

In the resolve, chapter twenty-one, in favor of Myra E. Record, the sum of twenty-four dollars, on account of state aid. *Myra E. Record.*

In the resolve, chapter twenty-two, in favor of Hattie Lemly, the sum of sixty-six dollars, on account of state aid. *Hattie Lemly.*

In the resolve, chapter twenty-four, in favor of the city *Lawrence.*

- of Lawrence, for the support of a state pauper, the sum of two hundred and fourteen dollars and twenty-six cents.
- Murdock Matheson. In the resolve, chapter twenty-five, in favor of Murdock Matheson, for injuries received while in service as captain of company B, first battalion of cavalry, Massachusetts volunteer militia, the sum of one thousand dollars.
- State library. In the resolve, chapter twenty-eight, authorizing the secretary of the Commonwealth to furnish the state library with copies of the General Statutes and supplements for foreign and domestic exchange, a sum not exceeding five hundred dollars.
- State library. In the resolve, chapter twenty-eight, in favor of the state library, for assistance and incidentals, the sum of three hundred dollars.
- Halifax. In the resolve, chapter twenty-nine, in favor of the town of Halifax, for rent of armory for company B, third regiment of infantry, Massachusetts volunteer militia, for the year eighteen hundred and seventy-two, the sum of fifty dollars.
- Discharged female prisoners. In the resolve, chapter thirty-two, in favor of discharged female prisoners, a sum not exceeding one thousand five hundred dollars.
- Gay Head. In the resolve, chapter thirty-four, in favor of the town of Gay Head, for the support of its public schools, the sum of one hundred dollars, to be paid from the moiety of the income of the Massachusetts school fund applicable to the support of public schools.
- Edward J. Jones. In the resolve, chapter thirty-five, in favor of Edward J. Jones, for costs and damages paid by him, while chief constable of the Commonwealth, a sum not exceeding one hundred and ten dollars and twenty-five cents.
- Russell Gray. In the resolve, chapter thirty-six, in favor of Russell Gray, for services in preparing a consolidation of railroad laws, a sum not exceeding two hundred dollars.
- Lunatic hospital at Taunton. In the resolve, chapter thirty-eight, in favor of the state lunatic hospital at Taunton, for enlarging and repairing the same, a sum not exceeding one hundred and twenty-five thousand dollars.
- Amos Cummings. In the resolve, chapter thirty-nine, in favor of Amos Cummings, for compensation and expenses in attending a court-martial, a sum not exceeding one hundred and thirty-seven dollars and fifty cents.
- Assistant district attorney for Suffolk. In the act, chapter eighty-nine, establishing the salary of the assistant district attorney for Suffolk district, a sum not exceeding five hundred dollars.

In the act, chapter one hundred and fifty-five, providing for the erection of a new state prison, a sum not exceeding one million dollars, to be paid in accordance with the provisions of said chapter, upon vouchers properly approved and filed with the auditor.

Erection of new state prison.

In the act, chapter two hundred and forty-seven, relating to the establishment of a military camp-ground, a sum not exceeding fifteen thousand dollars.

Camp-ground.

For expenses of the codification of the general railroad laws, and the indexing of the charters and special laws relating to railroad corporations, as authorized by chapter seventy-one of the resolves of eighteen hundred and seventy, a sum not exceeding five thousand dollars.

Codification of general railroad laws.

For advertising joint rule number nineteen, by order of the legislature of the present year, two hundred and twenty-four dollars and seventeen cents.

Advertising nineteenth joint rule.

For the payment of mileage to the volunteer militia for the year eighteen hundred and seventy-two, a sum not exceeding one hundred and seventy-two dollars and twenty cents.

Mileage of militia.

For expenses incurred in placing the busts of Henry Wilson and George S. Boutwell in the state library, as authorized by chapter five of the resolves of eighteen hundred and seventy-one, and chapter fifty-four of the resolves of eighteen hundred and seventy-two, three hundred and fifty dollars.

Busts of Henry Wilson and George S. Boutwell.

For printing the pamphlet edition of the general acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding one thousand dollars, the same to be in addition to the amount heretofore appropriated.

Pamphlet edition of general acts and resolves.

For the reproduction of the stereotype plates of the General Statutes and supplements thereto, destroyed in the late conflagration in the city of Boston, as authorized by chapter seventy-one of the resolves of eighteen hundred and seventy-two, a sum not exceeding one thousand and eighty-four dollars and sixty-six cents.

Stereotype plates of the General Statutes.

For assessors' books and registration blanks for the secretary's department, a sum not exceeding three hundred dollars, the same to be in addition to the appropriation heretofore made for the present year.

Assessor's books and registration blanks.

For the publication of the Provincial Statutes, as authorized by the resolves of eighteen hundred and sixty-five, chapter forty-three, and of eighteen hundred and

Provincial Statutes.

sixty-six, chapter thirty-five, a sum not exceeding five thousand dollars.

Reprinting volumes of public series of documents.

For the reprinting of volumes two, three and four of the public series of documents, for eighteen hundred and seventy-one, as authorized by an order of the legislature of the present year, a sum not exceeding fifteen thousand dollars.

Printing, &c., public documents.

For printing and binding the series of public documents in the last quarter of the year eighteen hundred and seventy-two, a sum not exceeding twelve thousand dollars.

Printing and binding "blue book."

For printing and binding the "blue book" edition of the acts and resolves of the present year, a sum not exceeding one thousand dollars, the same to be in addition to the amount heretofore appropriated.

Roads in Mashpee.

For expenses incurred in the construction and repair of roads in the town of Mashpee, agreeably to the provisions of section five of chapter two hundred and ninety-three of the acts of the year eighteen hundred and seventy, a sum not exceeding one hundred and fifty dollars.

Secretary, clerical assistance.

For such additional clerical assistance as the secretary may find necessary, a sum not exceeding one thousand five hundred dollars in addition to the amount heretofore appropriated for the present year.

Expenses of committees.

For the authorized expenses of committees of the present legislature, the same to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars.

Massachusetts Infant Asylum.

The unexpended balance of the appropriation made in chapter three hundred and ninety-eight of the acts of the year eighteen hundred and seventy-one, and chapter ninety-eight of the acts of the year eighteen hundred and seventy-two, for the reimbursement of the Massachusetts Infant Asylum for the support of infants having no known settlement in the Commonwealth, amounting to one thousand six hundred and twenty dollars and thirty-eight cents, is made applicable for the same purpose for the present year.

General Statutes and supplements.

For forty sets of the General Statutes and supplements, for the use of the present legislature, as authorized by an order of said legislature, a sum not exceeding two hundred and sixty dollars.

Repairs and furniture in state house.

For repairs, improvements and furniture of the state house, as authorized by order of the present legislature, a sum not exceeding nine hundred dollars.

In the act, chapter two hundred and fifty-four, establishing the salary of the attorney-general, a sum not exceeding one thousand five hundred dollars.

Attorney-general.

For the reimbursement of cities and towns for expenses incurred under the statutes relating to small-pox and other contagious diseases, and any expenses connected therewith, a sum not exceeding one hundred and twenty thousand dollars in addition to the appropriation heretofore made, the same to be applicable to the present and previous years. Payments to be made upon vouchers approved by the board of state charities.

Reimbursement of expenses relating to contagious diseases.

SECTION 2. This act shall take effect upon its passage.

*Approved June 4, 1873.*

AN ACT TO AUTHORIZE TOWNS TO APPROPRIATE MONEY FOR HEADSTONES OR OTHER MONUMENTS AT THE GRAVES OF DECEASED SOLDIERS AND SAILORS.

Ch. 335.

*Be it enacted, &c., as follows:*

SECTION 1. Towns may at any legal meeting vote such sums of money as they judge necessary, for the purpose of erecting headstones or other monuments at the graves of persons who served in the military or naval service of the United States in the war of the rebellion: *provided*, that no town shall expend money raised under this act except in cases where the soldier or sailor shall have been accredited to the quota of said town.

Towns may appropriate money for monuments at graves of deceased soldiers and sailors.

SECTION 2. This act shall take effect upon its passage.

*Approved June 4, 1873.*

AN ACT CONCERNING THE COMPENSATION OF THE POLICE COMMISSIONERS.

Ch. 336.

*Be it enacted, &c., as follows:*

The third section of chapter three hundred and ninety-four of the acts of the year eighteen hundred and seventy-one, is amended by striking out the first sentence of said section and substituting therefor the following: The compensation of said commissioners shall be at the rate of eight hundred dollars each per annum payable quarterly from the treasury with their actual travelling expenses.

Compensation of police commissioners. 1871, 394, § 3.

*Approved June 4, 1873.*

AN ACT RELATING TO THE ELECTION OF OVERSEERS OF THE POOR IN THE CITY OF CAMBRIDGE.

Ch. 337.

*Be it enacted, &c., as follows:*

The qualified voters of the city of Cambridge at the first annual meeting for the election of municipal officers after the passage of this act, shall elect six persons to be over-

Overseers of the poor to be elected by districts.

To hold office  
for two years.

seers of the poor, two from the district comprising the first and fifth wards ; two from the district comprising the second and fourth wards, and two from the district known as the third ward, as said wards are now constituted. The person receiving the highest number of votes in each district shall hold office for two years, and the other person elected shall hold office for one year: *provided*, that in case the two persons elected from a district shall have the same number of votes, the person who is senior in age shall hold office for two years, and the other person shall hold office for one year, and at every subsequent annual meeting for the choice of municipal officers, one person shall be elected overseer of the poor from each district to hold office for two years and until his successor is chosen and qualified.

*Approved June 4, 1873.*

*Ch.* 338.

AN ACT TO AMEND AN ACT TO PROVIDE FOR THE REGULATION AND INSPECTION OF BUILDINGS, THE MORE EFFECTUAL PREVENTION OF FIRE, AND THE BETTER PRESERVATION OF LIFE AND PROPERTY IN BOSTON.

*Be it enacted, &c., as follows :*

Amendment to  
1871, 280, § 2.

SECTION 1. The clause of section second, chapter two hundred and eighty, of the acts of eighteen hundred and seventy-one, defining a "tenement house," is amended in the fifth line thereof by inserting the word "one" before the word "another."

SECTION 2. This act shall take effect upon its passage.

*Approved June 4, 1873.*

*Ch.* 339.

AN ACT AUTHORIZING THE TAKING OF LAND FOR THE PURPOSES OF A STATE PRISON.

*Be it enacted, &c., as follows :*

Commissioners  
may take lands  
for a state  
prison.

SECTION 1. The commissioners for locating and constructing a state prison, appointed under chapter one hundred and fifty-five of the acts of the year one thousand eight hundred and seventy-three may purchase or otherwise take any lands required for the location and erection of a state prison, and for other purposes connected therewith, subject to the approval of the governor and council.

Description of  
the land to be  
filed in registry  
of deeds.

SECTION 2. A certificate of such taking, containing a description of the land sufficiently accurate for identification shall be recorded in the registry of deeds in the district in which such lands are situated, and such certificate, so recorded, shall be conclusive evidence of the time of such taking, and the title of the Commonwealth in the lands so taken.



SECTION 3. If the commissioners fail to offer in payment for any land so taken, a sum satisfactory to the owner thereof, such owner may within one year thereafter, petition the superior court for the county in which said lands are situated, and the matter of his damages shall be tried by a jury, and the proceedings shall be conducted in the manner provided in case of damages by laying out highways. If the damages found by the jury, exceed any amount offered by the commissioners, the damages and all charges shall be paid by the Commonwealth; otherwise, the charges arising on such petition shall be paid by the petitioner.

Matter of damages may be tried by a jury.

SECTION 4. This act shall take effect upon its passage.

*Approved June 5, 1873.*

AN ACT TO AUTHORIZE THE RAISING OF THE GRADE OF CERTAIN LANDS IN THE CITY OF BOSTON, FOR THE PURPOSE OF PRESERVING THE PUBLIC HEALTH IN SAID CITY.

*Ch. 340.*

*Be it enacted, &c., as follows :*

SECTION 1. The city council of the city of Boston, may order the owners of lands in said city, situated and lying within the district which is bounded north-westerly by Washington Street, south-westerly by Eustis Street and Mall Street, south-easterly by Albany Street, and north-easterly by Northampton Street, or any of such owners to raise the grade of their said lands, filling up the same with good materials to such permanent grade as may be deemed necessary by the board of aldermen in order to secure a complete drainage thereof, so as to abate and prevent nuisances, and to preserve the public health of the city.

City council may order owners to fill up certain lands in Boston.

SECTION 2. All orders under the preceding section shall be made and served upon said owners or occupants, or their authorized agents as prescribed by section nine of chapter twenty-six of the General Statutes for the service of orders of the boards of health, and if the owner of any such lands fails to comply with any such order within six months after such service, the city council shall raise the grade of his said lands, and the private streets, ways and courts thereon, filling up the same with good materials to the grade authorized by the preceding section and specified in the order; and all necessary expenses incurred thereby shall constitute a lien upon the lands filled, and a lien upon all buildings upon such lands, and may be collected, and the city collector may purchase such

Orders to be served upon owners or occupants.

If owner fails to comply, city council may raise the grade.

lands, or lands and buildings in behalf of the city; all as is provided by law for the collection of taxes upon real estate and in case of land sold for taxes. If the owner of any estate so assessed for such expenses desires to have the amount of said assessment apportioned he shall give notice thereof in writing to the board of aldermen at any time before a demand is made upon him for the payment thereof; and said board shall thereupon apportion the said amount into three equal parts, which apportionment shall be certified to the assessors and the said assessors shall add one of said equal parts to the annual tax of said estate each year for the three years next ensuing.

Parties dissatisfied with assessment of expense of raising may apply for a jury.

SECTION 3. Any person entitled to any estate in any land, the grade of which shall be raised under the preceding section, who is dissatisfied with the assessment of the expense of raising the grade of his land, may, within twelve months after receiving notice of such assessment, apply for a jury by petition to the superior court and have the expenses assessed in the same manner as betterments for the laying out and widening of streets and highways in the county of Suffolk may be assessed.

Land to be taken by the city if party gives notice within six months.

SECTION 4. Instead of making such complaint, any person dissatisfied with the assessment of the expense of raising the grade of his said land, may give notice thereof to the city council within six months after such assessment is made, and the city shall thereupon take said land, and shall within sixty days thereafter file in the office of the registry of deeds for the county of Suffolk a description of the land so taken, as certain as is required in a common conveyance of land, together with a statement that the same is taken pursuant to the provisions of this act, which description and statement shall be signed by the mayor of the city, and the title to lands so taken shall vest absolutely in the city.

If damages are agreed upon, amount to be paid forthwith.

SECTION 5. If any person whose land is taken under the preceding section, agrees with the city upon the damage done to him by such taking, making due allowance for the improvement in raising the grade of such land, the same shall be forthwith paid to him by the city. If any such person shall not so agree, he may, at any time within twelve months from the filing of such description and statement, apply for a jury as provided in section three of this act; and in determining the damages due allowance

If not agreed upon may be settled by a jury.

shall be made for the improvement by raising the grade of said land. The damages awarded by the jury shall be paid by the city, and if the damages are increased above the sum before offered by the city, all legal charges arising on such application shall be paid by the city; otherwise, by the applicant.

SECTION 6. The city, at its own expense, shall raise the grade of all public and private streets and courts bordering upon any lands the grade of which is ordered to be raised under this act, filling up such streets and courts with good materials to the grade established by the board of aldermen of said city.

Streets bordering upon land filled up to be raised to same grade by the city.

SECTION 7. This act shall not be construed as in any way exempting the city of Boston from any obligation it would otherwise be under to make compensation to the owners of lands abutting upon or near to any land or street filled hereunder, or for any injury done or caused to the lands of such owners, under any order or proceeding hereunder.

City not exempted from damages to abutters.

SECTION 8. The city of Boston is authorized to lay railroad tracks through any street or streets of said city, and to maintain them so long as necessary for transporting earth and other material under the provisions of this act.

Railroad tracks may be laid in streets.

SECTION 9. If in the execution of the provisions of this act it shall be deemed necessary to change the grade of any street, now established by law, which change shall require the raising of any buildings which have been erected in conformity to said grade, the city of Boston shall pay the expense incurred in consequence of such change, or be liable to damages as now provided by law in cases of change of grade.

If grade of street is changed city to pay expense of raising buildings.

*Approved June 5, 1873.*

AN ACT CONCERNING FEES OF TOWN CLERKS FOR OBTAINING AND RECORDING THE FACTS RELATING TO DEATHS.

*Ch. 341.*

*Be it enacted, &c., as follows:*

Chapter one hundred and thirty-eight of the acts of the year eighteen hundred and sixty-six is amended by striking out the words "twenty cents" at the close of section one, and substituting therefor the words "thirty-five cents."

Amendment to 1866, 138, § 1.

*Approved June 6, 1873.*

AN ACT IN RELATION TO THE COMPENSATION OF AUDITORS.

*Ch. 342.*

*Be it enacted, &c., as follows:*

Section fifty of chapter one hundred and twenty-one of the General Statutes, as amended by chapter sixty-seven

Amendment to G. S. 121, § 50. 1867, 67.

of the acts of the year eighteen hundred and sixty-seven, is further amended by adding at the end thereof the following words: "and the court may make all orders and decrees and issue any process which to it may appear necessary or proper to enforce the payment of such compensation to auditors."

*Approved June 6, 1873.*

**Ch. 343.** AN ACT IN RELATION TO THE OATH FOR THE RELIEF OF POOR DEBTORS.

*Be it enacted, &c., as follows:*

Intoxicating  
liquors not ex-  
empt from being  
taken on execu-  
tion.  
G. S. 124, § 21.

SECTION 1. Intoxicating liquors shall not be considered a part of the estate by law exempt from being taken on execution within the meaning of the oath set forth in the twenty-first section of the one hundred and twenty-fourth chapter of the General Statutes.

SECTION 2. This act shall take effect upon its passage.

*Approved June 6, 1873.*

**Ch. 344.** AN ACT TO AUTHORIZE THE TOWN OF NEWTON TO AID THE NEWTON CEMETERY CORPORATION.

*Be it enacted, &c., as follows:*

Town may raise  
\$40,000 and loan  
the same to the  
Newton Ceme-  
tery Corpora-  
tion.

SECTION 1. The town of Newton is authorized to raise, by issuing its bonds, or by loan, a sum of money not exceeding forty thousand dollars, and to loan the same, or such bonds, to the Newton Cemetery Corporation, to be applied for increasing the value of the lots of the town of Newton in the cemetery of said corporation by enlarging and improving said cemetery of said corporation, situated in said town; such bonds to be issued and such loan to be made for a period not exceeding fifteen years from the respective dates thereof, and at a rate of interest not exceeding seven per centum per annum, payable semi-annually.

Cemetery to be  
mortgaged as se-  
curity for loan.

SECTION 2. Before said corporation shall receive any loan, or bonds, in pursuance of the preceding section it shall make and deliver to said town such a mortgage or mortgages on its cemetery, as shall be agreed upon by the parties.

Subject to ac-  
ceptance by a  
two-thirds vote.

SECTION 3. The said town shall not exercise any of the authority conferred by this act, unless two-thirds of the voters present and voting thereon shall vote to accept the provisions of this act, at the annual meeting in November next, notice thereof being given in the warrant calling said meeting.

SECTION 4. This act shall take effect upon its passage.

*Approved June 6, 1873.*

## AN ACT TO AMEND THE CHARTER OF THE CITY OF CAMBRIDGE.

Ch. 345.

*Be it enacted, &c., as follows:*

SECTION 1. The city treasurer of the city of Cambridge may, as collector of taxes, appoint such deputy collectors of taxes as he may from time to time deem expedient, who shall give bonds for the faithful discharge of their duties in such sums as the board of aldermen of said city shall from time to time prescribe, and such deputies shall have the same powers as collectors of taxes of towns.

Deputy collector of taxes may be appointed by the treasurer.

SECTION 2. Said treasurer may, as collector of taxes, issue his warrants to the sheriff of the county or his deputy, or any of the constables of the city of Cambridge, returnable in thirty days, requiring them to collect any or all taxes due, and such warrant shall be in substance the same, and confer the same and like powers as warrants issued by assessors to collectors.

Treasurer may issue warrants for collection of taxes.

SECTION 3. This act shall take effect upon its passage.

*Approved June 6, 1873.*

## AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL TO EXPEND TWO HUNDRED THOUSAND DOLLARS IN COMPLETING THE HOOSAC TUNNEL AND ITS APPROACHES, AND FOR OTHER PURPOSES.

Ch. 346.

*Be it enacted, &c., as follows:*

SECTION 1. In addition to the provisions made under the contract with Messrs. W. & F. Shanly, the governor and council are authorized to expend not exceeding two hundred thousand dollars in completing the Hoosac Tunnel and its approaches, and in laying a track on the same, and are authorized to relocate, where necessary, the tracks of the Troy and Greenfield Railroad, and to take and hold additional lands necessary for the enlargement of its depot accommodations or for straightening or improving its line, the compensation therefor being ascertained in the method prescribed by law in case of land taken by railroad corporations; and in making such surveys and investigations, as they deem necessary to enable them to report to the next general court such plan as they think best for the interests of the Commonwealth to adopt in reference to said tunnel and the Troy and Greenfield Railroad, and the probable cost of improving and completing the same for railroad service.

\$200,000 may be expended in completing the Hoosac Tunnel and its approaches.

SECTION 2. The governor and council may at any time purchase for and in behalf of the Commonwealth any lands which, in their judgment, may be necessary for the purpose of completing the tunnel or the approaches thereto,

Lands may be bought if necessary, and lands not required may be sold.

and for the same purpose they may determine or adjust any claims upon lands or other property held by the Commonwealth, and may sell such lands situated without the location of the railroad, and now held by the Commonwealth, as are not required for railroad purposes.

Appropriation  
of \$200,000.

SECTION 3. The sum of two hundred thousand dollars is hereby appropriated to be expended as above described; the same to be raised in accordance with the provisions contained in chapter three hundred and thirty-three of the acts of the year eighteen hundred and sixty-eight.

Provisions of  
1872, 180, § 1, not  
to apply to roads  
each of which  
has a terminus  
in Boston.

SECTION 4. The provisions of section one of chapter one hundred and eighty of the acts of the year eighteen hundred and seventy-two shall not apply to any two railroad corporations, each of which has a terminus in the city of Boston.

SECTION 5. This act shall take effect upon its passage.

*Approved June 9, 1873.*

**Ch. 347.** AN ACT TO INCORPORATE THE FALL RIVER BANKING AND TRUST COMPANY.

*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. Charles P. Stickney, S. H. Miller, Frank S. Stevens, Thomas J. Borden, Samuel M. Luther, Stephen Davol, all of Fall River, their associates and successors, are made a corporation by the name of the Fall River Banking and Trust Company, to be located at Fall River, for the purpose of receiving on deposit, storage or otherwise, money, in sums of one hundred dollars and upwards, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt and other property of every kind, and of collecting and disbursing the interest or income upon such of said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income, when it becomes due, upon terms to be prescribed by the corporation, and for the purpose of advancing money or credits on real and personal security, on terms that may be agreed upon; and all the powers and privileges necessary for the execution of this purpose are hereby granted, subject, nevertheless, to the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes, and in all the general laws which now are or hereafter may be in force relating to such corporations.

Name and pur-  
pose.

Powers and du-  
ties.

SECTION 2. Such corporation shall at all times have on hand, as a reserve, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of all its deposits, which are subject to withdrawal upon demand or within ten days; and whenever said reserve of such corporation shall be below such per centum of such deposits it shall not increase its liabilities by making any new loans, until the required proportion between the aggregate amount of such deposits and its reserve shall be restored; *provided*, that in lieu of lawful money, one-third of said fifteen per centum may consist of balances, payable on demand, due from any national bank doing business in this Commonwealth approved by the commissioner of savings banks, and one other third of said fifteen per centum may consist of bonds of the United States or of this Commonwealth, the absolute property of such corporation.

To have on hand at all times fifteen per cent. of amount liable to withdrawal, &c.

Proviso.

SECTION 3. Any court of law or of equity, including courts of probate and insolvency of this state, may, by decree or otherwise, direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corporation shall not be required to assume or execute any trust without its own assent. Said corporation shall also have power to receive and hold moneys or property in trust, or on deposit, from executors, administrators, assignees, guardians and trustees, upon such terms or conditions as may be obtained or agreed upon: *provided, also*, that all such moneys or properties received under the provisions of this section, shall be loaned on or invested only in the authorized loans of the United States, or of any of the New England states, or cities or counties or towns of this state, or stocks of state or national banks, organized within this Commonwealth, or the first mortgage bonds of any railroad company incorporated by any of the New England states, which has earned and paid regular dividends on its stocks, for two years next preceding such loan or investment, or the bonds of any such railroad company unencumbered by mortgage or first mortgages on real estate, in this Commonwealth, or in any securities in

Courts may order money within its control to be deposited with this corporation.

Not to be required to assume trust without its own consent.

Loans and investments.

which savings banks are allowed to invest or upon the notes, with two sureties, of manufacturing corporations created under the laws of this state, or of individuals with a sufficient pledge as collateral of any of the aforesaid securities; (but all real estate, acquired by foreclosure of mortgages, or by levy of execution, shall be sold at public auction within two years of such foreclosure or levy :) *provided, also*, that all such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds and the investment or loans of them shall be specially appropriated to the security and payment of such deposits, and not be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this proviso, said corporation shall have a trust department, in which all business authorized by this section shall be kept separate and distinct from its general business.

Proviso.

Total liability of any person not to exceed one-fifth of capital.

SECTION 4. The total liabilities to this corporation, of any person, firm or corporation, other than cities or towns, for money borrowed, including in the liabilities of a company or firm the liabilities of its several members, shall, at no time, exceed one-fifth part of such amount of the capital stock of this corporation as is actually paid up.

Returns to be made semi-annually to the commissioner of savings banks.

SECTION 5. Said corporation shall semi-annually make a return to the commissioner of savings banks in this Commonwealth on or before the second Mondays of May and November, and at two other times during the year when said commissioner shall from time to time by written notice direct the same to be made, which shall be signed and sworn to by a majority of its board of directors; and said return shall specify the following, namely: capital stock; amount of all moneys and property, in detail, in the possession or charge of said company as deposits; amount of deposits payable on demand or within ten days, trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states, cities, counties or towns, in bank stock, in railroad stock, and in railroad bonds; loans on notes of corporations, stating amount in each; loans on notes of individuals; loans on mortgage of real estate; cash on hand;—all as existing at the date of making of such return, with the rate, amount and date of dividends since last return. The commis-



sioner of savings banks shall have access to the vaults, books and papers of the company, and it shall be his duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if this corporation were a savings bank, subject to the general laws which now are or hereafter may be in force relating to such institutions in this regard. Abstracts of such returns, showing the resources and liabilities of said corporation, in a form to be approved by said commissioner, shall be published in a newspaper in the city of Fall River at the expense of such corporation.

Commissioner to have access to books and papers.

Abstract of returns to be published.

SECTION 6. Said corporation shall be subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and any acts now existing, or which may hereafter be passed in amendment thereof.

Subject to provisions of 1865, 283.

SECTION 7. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of some officer of the corporation, of all personal property held upon any trust on the first day of May, which would be taxable if held by an individual trustee residing in this Commonwealth, and the name of every city or town in this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities and towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fourteen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof, for corporations failing to make the returns provided by said act. Said corporation shall annually pay to the treasurer of the Commonwealth a sum, to be ascertained by assessment by the tax commissioner, upon an amount equal to the total value of such property, at the rate ascertained and determined by him, under section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof.

Statement under oath to be returned to tax commissioner of personal property held in trust.

Tax to be paid to treasurer of the Commonwealth.

SECTION 8. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement, verified by the oath of

Returns to be made of money deposited upon interest.

Tax to be paid  
into state treas-  
ury.

County or town  
taxes not to be  
assessed upon  
property held in  
trust, &c.

Taxation of de-  
posits with-  
drawable on de-  
mand.

May act as agent  
for issuing and  
countersigning  
bonds, &c.

some officer of the corporation, of the amount of all sums deposited with it on interest or for investment, other than those specified in the seventh and tenth sections of this act, together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns, under a like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum, to be ascertained by assessment by the tax commissioner, upon an amount equal to the total value of such deposits, at three-fourths the rate ascertained and determined by him, under section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof.

SECTION 9. No taxes shall be assessed in any city or town for state, county or town purposes, upon or in respect of any such property held in trust or any such amounts deposited on interest, or for investment, but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for beneficiaries and persons residing in such cities and towns respectively; and in regard to such sums so to be assessed and paid as aforesaid, said corporation shall be subject to sections eleven, twelve, thirteen, the last paragraph of section fifteen, and section seventeen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five and acts in amendment thereof, so far as the same are applicable thereto.

SECTION 10. Deposits with said corporation which can be withdrawn on demand shall for purposes of taxation be deemed money in possession of the person to whom the same is payable.

SECTION 11. The said corporation is also authorized to act as agent for the purpose of issuing, registering, or countersigning the certificates of stock, bonds or other evidences of indebtedness of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon.

SECTION 12. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege to increase the same from time to time to not exceeding five hundred thousand dollars, and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have been actually paid in in cash. Capital stock.

SECTION 13. Said corporation shall be entitled to purchase and hold, for its own use, real estate not exceeding in value twenty-five per cent. of its paid-up capital. Real estate.

SECTION 14. The shareholders of said corporation shall be held individually liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such association, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions contained in chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, sections forty to forty-nine inclusive, shall apply to and regulate the enforcement of this liability. Shareholders to be held individually liable for debts of association.

SECTION 15. This act shall take effect upon its passage.

*Approved June 9, 1873.*

AN ACT TO AUTHORIZE THE BOSTON, BARRE AND GARDNER RAILROAD CORPORATION TO MORTGAGE ITS PROPERTY. Ch. 348.

*Be it enacted, &c., as follows:*

SECTION 1. The Boston, Barre and Gardner Railroad Corporation is authorized to mortgage all or any part of its property, real or personal, including its franchise, to secure its bonds to an amount not exceeding four hundred thousand dollars. May mortgage franchise and property.

SECTION 2. This act shall take effect upon its passage.

*Approved June 9, 1873.*

AN ACT TO PREVENT THE DEFACEMENT OF NATURAL SCENERY, AND FOR OTHER PURPOSES. Ch. 349.

*Be it enacted, &c., as follows:*

Whoever paints or puts upon, or in any manner affixes to, any fence, or structure, or to or upon any rock or other natural object, the property of another, any words, device, trade-mark, advertisement or notice, without first obtaining the consent thereto of the owner of such property, shall upon complaint of the owner or tenant of such Penalty for defacement of natural scenery.

property, or the city or town authorities, be punished by a fine not exceeding ten dollars for each offence: *provided*, that this act shall not apply to any notice required by law to be posted in a particular place. *Approved June 9, 1873.*

**Ch. 350.** AN ACT TO PROVIDE FOR THE CONVEYANCE OF BERKELEY STREET TO THE CITY OF BOSTON.

*Be it enacted, &c., as follows:*

Commissioners on public lands to convey, by deed, Berkeley street to the city of Boston.

SECTION 1. The commissioners on public lands are hereby authorized and directed to convey to the city of Boston that part of Berkeley Street which is situated on the Commonwealth's lands in the back bay, by deed in the same form as that executed by said commissioners August twenty-third, eighteen hundred and sixty-six, and approved by the governor and council on the thirty-first day of August following, except that the words "may, so long as they shall deem it expedient," shall be omitted in the proviso, and the words "shall, until after ninety days' notice to the contrary," shall be inserted instead thereof.

Repeal.

SECTION 2. Chapter three hundred and thirty-eight of the acts of the year eighteen hundred and sixty-seven, is repealed.

Subject to acceptance by aldermen.

SECTION 3. This act shall take effect upon its acceptance by the board of aldermen of the city of Boston.

*Approved June 9, 1873.*

**Ch. 351.** AN ACT TO PROVIDE FOR THE INVESTMENT OF COMPENSATION FUNDS FOR HARBORS OF THE COMMONWEALTH.

*Be it enacted, &c., as follows:*

Compensation funds for harbors of the Commonwealth to be invested by State treasurer.

SECTION 1. It shall be the duty of the treasurer of the Commonwealth to invest any compensation fund, accumulated under the provisions of the fourth section of the one hundred and forty-ninth chapter of the acts of the year eighteen hundred and sixty-six, in proper securities, and at the beginning of every fiscal year to add to the principal fund and invest as a part of the same the income for the preceding year that shall not have been expended, or for the payment of which warrants have not been drawn by the governor.

SECTION 2. This act shall take effect upon its passage.

*Approved June 10, 1873.*

**Ch. 352.** AN ACT CONCERNING THE ARREST AND DISCHARGE OF POOR DEBTORS.

*Be it enacted, &c., as follows:*

Poor debtor arrested on mesne process may

SECTION 1. Whenever a person arrested on mesne process has recognized or given bail, he may, without a

surrender by his surety or sureties, take the oath that he does not intend to leave the state, or the oath for the relief of poor debtors, and the taking of either of said oaths by such person shall be a discharge of his surety or sureties.

take the oath without surrender by surety.

SECTION 2. No person shall be arrested on mesne process in an action of tort unless the plaintiff or some person in his behalf makes oath to the satisfaction of some magistrate named in section one, chapter one hundred and twenty-four of the General Statutes, that he believes, and has reason to believe, that he has a good cause of action against the defendant, that he has reasonable expectation of recovering a sum equal, at least, to one-third the damages claimed in the writ, and that he believes and has reason to believe that the defendant intends to leave the state, so that if execution be obtained it cannot be served upon him; and such affidavit, with a certificate of the magistrate, that he is satisfied the same is true, shall be annexed to the writ.

Arrest on mesne process in action of tort.

SECTION 3. When a person is arrested, or has given bail, or is imprisoned on mesne process, or is arrested or imprisoned on any execution, he may be discharged in the same manner, and subject to the same provisions of law as a person arrested on an execution mentioned in section five chapter one hundred and twenty-four of the General Statutes.

Discharge of debtor under arrest or imprisonment. G. S. 124, § 5,

SECTION 4. Sections two and twenty-three, chapter one hundred and twenty-four of the General Statutes are repealed.

Repeal of G. S. 124, §§ 2, 23.

SECTION 5. This act shall take effect upon its passage.

*Approved June 11, 1873.*

AN ACT TO GIVE A RIGHT OF ACTION AGAINST OWNERS OF RAILROADS TO PERSONS WHO PERFORM LABOR OR FURNISH MATERIALS IN AND FOR THE CONSTRUCTION OF SAID ROADS.

*Be it enacted, &c., as follows :*

SECTION 1. Any person to whom a debt is due for labor performed, or for materials furnished and actually used in constructing any railroad, by virtue of an agreement with the owner of such railroad, or with any person having authority from or rightfully acting for such owner in procuring or furnishing such labor or materials, shall have a right of action against the owner of such railroad to recover such debt with costs, except as is provided in the following sections.

Right of action against owner of railroad for labor performed and materials furnished.

*Ch. 353.*

Contractor not to have right unless contract is with owner.

SECTION 2. No person who has contracted to construct the whole or any specified part of such railroad shall have such right of action, unless his contract is with the owner of the railroad.

Written statement under oath to be served on owner of amount of debt, &c., for labor.

SECTION 3. No person shall have such right of action, under the provisions of this act, for labor performed, unless he shall, within thirty days after ceasing to perform such labor, serve on the owner of the railroad a written statement under his oath, of the amount of the debt so due him, and of the name of the person or persons for whom and by whose employment the labor was performed, by causing said statement to be filed in the office of the clerk of any city or town in which any of said labor shall have been performed or said materials furnished. But such right of action shall not be lost by any mistake made in stating the amount due; but the claimant shall not recover as damages a larger amount than is named in said statement as due him, with interest thereon.

Statement of amount of materials to be served on owner.

SECTION 4. No person shall have a right of action under the provisions of this act for materials furnished, unless before beginning to furnish the same, he shall have served written notice of his intention to claim such right in the manner provided for serving the statement named in the preceding section.

Actions to be commenced within sixty days after ceasing to perform labor.

SECTION 5. No action under the provisions of this act shall be maintained, unless commenced within sixty days after the plaintiff therein ceased to perform the labor or to furnish the materials, as the case may be.

*Approved June 11, 1873.*

## Ch. 354.

### AN ACT RELATING TO THE TAXATION OF INCOMES.

*Be it enacted, &c., as follows:*

Income in excess of \$2,000 subject to taxation.

SECTION 1. Section four of chapter eleven of the General Statutes is so far amended that the income subject to taxation shall be only so much as exceeds two thousand dollars, and which has accrued to any person during the year ending on the first day of May of the year in which the tax is assessed.

Act to have the same effect as if in force on May 1st, 1873.

SECTION 2. This act shall take effect upon its passage, and shall apply to the assessment of taxes for the present year in the same manner and to the same effect as if it had been in force on the first day of May of the present year.

*Approved June 11, 1873*

## AN ACT RELATING TO CERTIORARI AND MANDAMUS.

Ch. 355.

*Be it enacted, &c., as follows:*

SECTION 1. Petitions for the writ of certiorari or mandamus may be presented to any justice of the supreme judicial court in any county, in term time or vacation, and such justice may, upon due notice to all parties, hear and determine the same, or may reserve questions of law upon exceptions or otherwise, arising thereon, for the determination of the full court, who may hear and determine the same at any time in any county as justice shall seem to them to require.

Petitions for certiorari or mandamus may be presented in term time or vacation and be heard in any county at any time.

SECTION 2. If on such hearing it is ordered that the writ issue, it may be issued from the clerk's office in any county and be made returnable as the court shall direct.

Issue and return of writ.

SECTION 3. This act shall take effect upon its passage.

*Approved June 11, 1873.*

## AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE CITY OF FALL RIVER WITH PURE WATER.

Ch. 356.

*Be it enacted, &c., as follows:*

SECTION 1. The city of Fall River is authorized to issue scrip, notes or certificates of debt, to be denominated Water Bonds of the city of Fall River, to an amount not exceeding three hundred thousand dollars, in addition to the amount authorized by chapter one hundred and thirty-three of the acts of the year eighteen hundred and seventy-one.

May issue additional water bonds.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1873.*

## AN ACT TO PROVIDE FOR THE DISCONTINUANCE OF THE GRADE CROSSINGS OF RAILROADS IN SOMERVILLE, CHARLESTOWN AND BOSTON.

Ch. 357.

*Be it enacted, &c., as follows:*

SECTION 1. The Fitchburg Railroad Company, the Boston and Maine Railroad, the Eastern Railroad Company, the Boston and Lowell Railroad Corporation and the Boston and Albany Railroad Company as owners of the property and franchises of the Grand Junction Railway, may make with each other such contracts and agreements and such exchanges of their lands, property and franchises in Somerville, Charlestown and Boston, and may so alter and re-arrange their roads, stations and terminal grounds in said cities, as will enable them to discontinue the use of their grade crossings therein, or of any of said crossings, and to better accommodate their

Railroads may alter roads, &c., so as to discontinue use of grade crossings.

terminal business ; and for these purposes may pay to and receive from each other such compensation in money or otherwise as may be agreed, and may increase their capital stocks by the net amounts severally expended by them under this act : *provided*, that nothing shall be done under the authority granted by this section until approved by the board of railroad commissioners.

Subject to approval by railroad commissioners.

Changes in structures over tide-water subject to approval of harbor commissioners.

SECTION 2. All changes and alterations made under this act in structures over tide-water, and all new structures built over tide-water, shall be made subject to the approval of the board of harbor commissioners, and in accordance with the general laws concerning the building of structures over tide-water.

May purchase lands, or with consent of S. J. C., may take the same.

SECTION 3. If either of said corporations desire to acquire any lands or property not owned by railroad corporations, or used for other public purposes, for the purposes of this act, it may purchase the same ; or, if unable so to do, may petition the supreme judicial court in the county wherein such land or property is situated for authority to take the same, setting forth a description thereof, the reason why it is unable to purchase the same, the purpose for which it is sought to be taken, and the names and residences of the owners thereof if known to the petitioner ; and if the court, upon the verdict of a jury, if a jury shall be demanded by any party interested, shall decide that it is necessary to take such land or property, the petitioner may take the same in the manner provided for the taking of land for railroad purposes, except that instead of the county commissioners three disinterested persons shall be appointed by the supreme judicial court, on proper application, as a board of commissioners, to adjudicate the damages for the taking of the same, from whose decision an appeal to a jury shall lie, on behalf of either party, as is provided in case of lands taken for railroad purposes. And like proceedings shall be had before said commissioners for the purpose of ascertaining, securing and obtaining payment of damages as are provided by the General Statutes upon an application to county commissioners in like cases, except that warrants of distress to compel payment of damages shall be issued by the supreme judicial court : *provided*, that except as is herein otherwise provided, the Boston and Lowell Railroad Corporation shall, with respect to all lands or property acquired or taken by it under this

Adjudication of damages.

Proviso.



section, be subject to all the duties, restrictions and liabilities, and have all the powers and privileges provided in all general laws which now are or hereafter may be in force relating to railroad corporations; *provided, also*, that nothing in this act shall authorize the taking of any lands covered at any time by tide-water, unless such taking shall be approved by the harbor commissioners and the governor and council.

Proviso.

SECTION 4. Each of said corporations shall make full report to the board of railroad commissioners during the last week of December next of their doings under this act, and said board shall, during the month of January next communicate said report, with their own recommendations, if any, to the general court.

Railroads to report to commissioners and commissioners to report to legislature.

SECTION 5. This act shall take effect upon its passage.

*Approved June 11, 1873.*

AN ACT TO AUTHORIZE THE BOSTON, CLINTON AND FITCHBURG RAILROAD COMPANY TO BUILD A BRANCH RAILROAD IN FRAMINGHAM.

Ch. 358.

*Be it enacted, &c., as follows:*

SECTION 1. The Boston, Clinton and Fitchburg Railroad Company is authorized to construct and maintain a branch railroad, beginning at a point in the present track of their railroad between the stations of Framingham and South Framingham, thence running by as direct a line as practicable to some convenient point on land in said Framingham recently purchased by the Commonwealth for a camp-ground for the militia, the route of the said branch railroad to be fixed and determined according to the provisions of the general laws.

May build branch road in Framingham to the State military camp-ground.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1873.*

AN ACT TO AUTHORIZE THE SECOND CONGREGATIONAL SOCIETY IN MARBLEHEAD TO PURCHASE AND HOLD REAL ESTATE.

Ch. 359.

*Be it enacted, &c., as follows:*

SECTION 1. The Second Congregational Society of Marblehead may purchase and hold real estate, in addition to its meeting-house, for a parsonage and other parish purposes, to an amount not exceeding fifteen thousand dollars.

May purchase land for a parsonage, &c.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1873.*

*Ch.* 360. AN ACT TO AUTHORIZE THE EASTERN RAILROAD COMPANY TO CONSTRUCT A FREIGHT TRACK AND TAKE LANDS FOR FREIGHT PURPOSES IN CHARLESTOWN, AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows :*

May construct  
tracks for  
freight purposes  
in Charlestown.

SECTION 1. The Eastern Railroad Company may construct, operate and maintain one or more tracks for freight purposes in Charlestown, in the county of Middlesex, beginning on the northerly side of Cambridge Street, so called, in said Charlestown, upon land of the said Eastern Railroad Company; thence crossing said Cambridge Street to the land and flats of the said company; thence upon piles or solid filling over land and flats of said company in Charlestown; and thence through said Charlestown crossing at grade said Cambridge Street and Austin Street in Charlestown, and the lands and flats of the Commonwealth outside of the enclosure of the state prison to the lands hereinafter named; and may fill from time to time with solid filling the lands and flats of said company in Charlestown: *provided, however*, that the Commonwealth may at any time upon a sale of the state prison lands, for the sake of obtaining the full market value thereof, alter the location of the said railroad across the same: and *provided, further*, that whenever the Commonwealth elects to sell said prison lands, the Commonwealth, by its governor and council, may abandon the whole of said lands to said company, and thereupon the Commonwealth shall have the same rights against the company as are provided for the owners of estates taken under the provisions of the second section of this act.

Proviso.

Proviso.

May take land  
in Charlestown  
at any time  
within one year.

Description of  
land.

SECTION 2. The said Eastern Railroad Company may take at any time within one year from the passage of this act, for the purposes of a freight station, all the land in Charlestown bounded and described as follows, or so much thereof as they may deem necessary: Beginning at the north-easterly corner of Lynde and Austin Streets; thence running southerly on said Austin Street to Front Street; thence running easterly on said Front Street to Jenner Street; thence northerly on said Jenner Street to Bow Street; thence on said Bow Street to Arrow Street; thence by said Arrow Street and Lynde Street to the point of beginning, with the right to close all streets, lanes, courts and highways of every description now in any wise crossing or upon the said premises or any part thereof, which may be taken by them under the provisions

of this act: *provided, however*, that if said Eastern Railroad Company, under the provisions of this act, takes a portion of any estate, the owner or owners of such estate shall at his or their election, signified within one month after such taking, be entitled to abandon the whole of such estate to said company, and shall have the same rights against the company as if it had taken the whole of such estate.

SECTION 3. All general laws relating to the taking of land for railroad purposes and the location and construction of railroads, shall be applicable to and govern the proceedings in the taking of lands provided for in the second section of this act, except that instead of the county commissioners three disinterested persons shall be appointed by the supreme judicial court as a board of commissioners to adjudicate the damages for the taking of said lands and property, from whose decision an appeal to a jury shall lie in behalf of any party whose land may be taken or who may suffer any damage by reason of said taking or location or of any act done by said company under said second section, as is provided in case of lands taken for railroad purposes.

SECTION 4. Said Eastern Railroad may, for the purposes of this act, by a vote of its stockholders, at a meeting duly called for the purpose, increase its capital stock to an amount equal to the amount expended under this act, not exceeding one million dollars beyond the amount now authorized by law.

SECTION 5. Lands acquired, taken or purchased by said corporation under this act shall not be exempt from taxation.

SECTION 6. No lands covered at any time by tide-water shall be taken or used under the provisions of this act, unless such taking or use shall be approved by the harbor commissioners, and compensation shall be made for all lands of the Commonwealth taken or used under this act to the satisfaction of the governor and council.

SECTION 7. This act shall take effect upon its passage.

*Approved June 11, 1873.*

AN ACT IN RELATION TO CONNECTING RAILROADS.

*Be it enacted, &c., as follows:*

SECTION 1. The provisions of section one of chapter one hundred and eighty of the acts of the year eighteen hundred and seventy-two shall not authorize any lease or

Proviso.

Adjudication of damages.

May increase capital stock.

Lands not to be exempt from taxation.

Lands covered by tide-water, taken with approval of harbor commissioners.

Compensation for lands of the Commonwealth.

*Ch. 361.*

Provisions of 1872, 180, § 1, not to apply to two roads having termini in Boston.

contract between any two railroad corporations, each of which has a terminus in the city of Boston.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1873.*

*Ch.* 362.

AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION TWO HUNDRED AND FIFTY THOUSAND DOLLARS.

*Be it enacted, &c., as follows:*

Assessment  
of cities and  
towns.

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say:—

Barnstable  
county.

BARNSTABLE COUNTY.

Barnstable, . . .	Four thousand seven hundred two dollars and fifty cents, . . .	\$4,702 50
Brewster, . . .	One thousand two hundred eighty-two dollars and fifty cents, . . .	1,282 50
Chatham, . . .	One thousand nine hundred twelve dollars and fifty cents, . . .	1,912 50
Dennis, . . .	Two thousand seven hundred and forty-five dollars, . . .	2,745 00
Eastham, . . .	Four hundred seventy-two dollars and fifty cents, . . .	472 50
Falmouth, . . .	Two thousand two hundred seventy-two dollars and fifty cents, . . .	2,272 50
Harwich, . . .	Two thousand two hundred twenty-seven dollars and fifty cents, . . .	2,227 50
Mashpee, . . .	One hundred and eighty dollars, . . .	180 00
Orleans, . . .	One thousand one hundred and twenty-five dollars, . . .	1,125 00
Provincetown, . . .	Three thousand six hundred and ninety dollars, . . .	3,690 00
Sandwich, . . .	Two thousand six hundred thirty-two dollars and fifty cents, . . .	2,632 50
Truro, . . .	Seven hundred forty-two dollars and fifty cents, . . .	742 50
Wellfleet, . . .	One thousand six hundred and sixty-five dollars, . . .	1,665 00
Yarmouth, . . .	Two thousand five hundred and sixty-five dollars, . . .	2,565 00
		<hr/> \$28,215 00

Berkshire  
county.

BERKSHIRE COUNTY.

Adams, . . .	Eleven thousand two hundred and five dollars, . . .	\$11,205 00
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## BERKSHIRE COUNTY—CONTINUED.

Berkshire  
county.

Alford, . . .	Four hundred and ninety-five dollars,	\$495 00
Becket, . . .	Nine hundred and ninety dollars, .	990 00
Cheshire, . . .	One thousand five hundred fifty-two dollars and fifty cents, . . .	1,552 50
Clarksburg, . .	Four hundred and seventy-two dol- lars and fifty cents, . . .	\$472 50
Dalton, . . .	One thousand six hundred and sixty- five dollars, . . .	1,665 00
Egremont, . . .	Nine hundred sixty-seven dollars and fifty cents, . . .	967 50
Florida, . . .	Six hundred and seven dollars and fifty cents, . . .	607 50
Gt. Barrington, .	Seven thousand one hundred thirty- two dollars and fifty cents, . . .	7,132 50
Hancock, . . .	Seven hundred eighty-seven dollars and fifty cents, . . .	787 50
Hinsdale, . . .	One thousand five hundred and sev- enty-five dollars, . . .	1,575 00
Lanesborough, .	One thousand three hundred twenty- seven dollars and fifty cents, . . .	1,327 50
Lee, . . .	Three thousand eighty-two dollars and fifty cents, . . .	3,082 50
Lenox, . . .	Two thousand three hundred and forty dollars, . . .	2,340 00
Monterey, . . .	Five hundred and eighty-five dollars,	585 00
Mt. Washington, .	One hundred and eighty dollars, .	180 00
New Ashford, . .	One hundred and eighty dollars, .	180 00
New Marlboro, .	One thousand six hundred and sixty- five dollars, . . .	1,665 00
Otis, . . .	Six hundred and seventy-five dollars,	675 00
Peru, . . .	Three hundred and sixty dollars, .	360 00
Pittsfield, . . .	Thirteen thousand three hundred and twenty dollars, . . .	13,320 00
Richmond, . . .	Nine hundred and ninety dollars, .	990 00
Sandisfield, . .	One thousand and thirty-five dollars,	1,035 00
Savoy, . . .	Five hundred sixty-two dollars and fifty cents, . . .	562 50
Sheffield, . . .	Two thousand two hundred twenty- seven dollars and fifty cents, . . .	2,227 50
Stockbridge, . .	Three thousand six hundred and ninety dollars, . . .	3,690 00
Tyringham, . . .	Five hundred seventeen dollars and fifty cents, . . .	517 50

Berkshire  
county.

## BERKSHIRE COUNTY—CONCLUDED.

Washington, .	Five hundred seventeen dollars and fifty cents, . . . . .	\$517 50
W. Stockbridge, .	One thousand six hundred eighty-seven dollars and fifty cents, . . . . .	1,687 50
Williamstown, .	Two thousand eight hundred twelve dollars and fifty cents, . . . . .	2,812 50
Windsor, . . .	Five hundred and eighty-five dollars, . . . . .	585 00
		<hr/> \$65,790 00

Bristol county.

## BRISTOL COUNTY.

Acushnet, . . .	One thousand one hundred and twenty-five dollars, . . . . .	\$1,125 00
Attleborough, .	Four thousand nine hundred and ninety-five dollars, . . . . .	4,995 00
Berkley, . . .	Six hundred and seven dollars and fifty cents, . . . . .	607 50
Dartmouth, . .	Three thousand six hundred sixty-seven dollars and fifty cents, . . . . .	3,667 50
Dighton, . . .	One thousand five hundred fifty-two dollars and fifty cents, . . . . .	1,552 50
Easton, . . . .	Four thousand five hundred and forty-five dollars, . . . . .	4,545 00
Fairhaven, . .	Two thousand seven hundred and forty-five dollars, . . . . .	2,745 00
Fall River, . .	Forty thousand six hundred and eighty dollars, . . . . .	40,680 00
Freetown, . . .	One thousand three hundred seventy-two dollars and fifty cents, . . . . .	1,372 50
Mausfield, . .	One thousand seven hundred and ten dollars, . . . . .	1,710 00
New Bedford, .	Thirty-six thousand three hundred and fifteen dollars, . . . . .	36,315 00
Norton, . . . .	One thousand four hundred sixty-two dollars and fifty cents, . . . . .	1,462 50
Raynham, . . .	One thousand eight hundred and ninety dollars, . . . . .	1,890 00
Rehoboth, . . .	One thousand four hundred sixty-two dollars and fifty cents, . . . . .	1,462 50
Seekonk, . . .	Nine hundred and ninety dollars, . . . . .	990 00
Somerset, . . .	One thousand seven hundred and ten dollars, . . . . .	1,710 00
Swanzy, . . . .	One thousand one hundred and seventy dollars, . . . . .	1,170 00
Taunton, . . .	Twenty-three thousand six hundred and twenty-five dollars, . . . . .	23,625 00
Westport, . . .	Two thousand five hundred and sixty-five dollars, . . . . .	2,565 00
		<hr/> \$134,190 00

## DUKES COUNTY.

Dukes county.

Chilmark, . .	Five hundred and sixty-two dollars and fifty cents, . . . . .	\$562 50
Gay Head, . .	Forty-five dollars, . . . . .	45 00
Edgartown, . .	One thousand nine hundred and eighty dollars, . . . . .	1,980 00
Gosnold, . . .	Two hundred and twenty-five dollars, . . . . .	225 00
Tisbury, . . .	One thousand three hundred twenty-seven dollars and fifty cents, . .	1,327 50
		<hr/> \$4,140 00

## ESSEX COUNTY.

Essex county.

Amesbury, . .	Four thousand seven hundred ninety-two dollars and fifty cents, . . .	\$4,792 50
Andover, . . .	Five thousand one hundred ninety-seven dollars and fifty cents, . .	5,197 50
Beverly, . . .	Nine thousand sixty-seven dollars and fifty cents, . . . . .	9,067 50
Boxford, . . .	One thousand two hundred thirty-seven dollars and fifty cents, . .	1,237 50
Bradford, . . .	One thousand nine hundred twelve dollars and fifty cents, . . . . .	1,912 50
Danvers, . . .	Four thousand nine hundred and fifty dollars, . . . . .	4,950 00
Essex, . . . .	One thousand five hundred ninety-seven dollars and fifty cents, . .	1,597 50
Georgetown, .	One thousand six hundred eighty-seven dollars and fifty cents, . .	1,687 50
Gloucester, . .	Thirteen thousand and ninety-five dollars, . . . . .	13,095 00
Groveland, . .	One thousand five hundred seven dollars and fifty cents, . . . . .	1,507 50
Hamilton, . . .	Eight hundred and fifty-five dollars, . . . . .	855 00
Haverhill, . .	Fifteen thousand five hundred and seventy dollars, . . . . .	15,570 00
Ipswich, . . .	Three thousand and fifteen dollars, . .	3,015 00
Lawrence, . . .	Twenty-nine thousand five hundred and forty-two dollars and fifty cents, . . . . .	29,542 50
Lynn, . . . . .	Thirty-four thousand four hundred two dollars and fifty cents, . .	34,402 50
Lynnfield, . .	One thousand and eighty dollars, . .	1,080 00
Manchester, . .	One thousand nine hundred and thirty-five dollars, . . . . .	1,935 00

Essex county.

## ESSEX COUNTY—CONTINUED.

Marblehead, . . .	Six thousand four hundred fifty-seven dollars and fifty cents, . . .	\$6,457 50
Methuen, . . .	Three thousand three hundred and seventy-five dollars, . . .	3,375 00
Middleton, . . .	Seven hundred eighty-seven dollars and fifty cents, . . .	787 50
Nahant, . . .	Six thousand seven hundred seventy-two dollars and fifty cents, . . .	6,772 50
Newbury, . . .	One thousand three hundred seventy-two dollars and fifty cents, . . .	1,372 50
Newburyport, . . .	Thirteen thousand four hundred and fifty-five dollars, . . .	13,455 00
North Andover, . . .	Three thousand four hundred forty-two dollars and fifty cents, . . .	3,442 50
Peabody, . . .	Eight thousand eight hundred and twenty dollars, . . .	8,820 00
Rockport, . . .	Three thousand and sixty dollars, . . .	3,060 00
Rowley, . . .	Nine hundred and ninety dollars, . . .	990 00
Salem, . . .	Thirty-six thousand four hundred twenty-seven dollars and fifty cents, . . .	36,427 50
Salisbury, . . .	Three thousand three hundred fifty-two dollars and fifty cents, . . .	3,352 50
Saugus, . . .	Two thousand three hundred and forty dollars, . . .	2,340 00
Swampscott, . . .	Three thousand one hundred and five dollars, . . .	3,105 00
Topsfield, . . .	One thousand two hundred and sixty dollars, . . .	1,260 00
Wenham, . . .	Eight hundred seventy-seven dollar and fifty cents, . . .	877 50
West Newbury, . . .	One thousand nine hundred and thirty-five dollars, . . .	1,935 00
		<hr/> \$229,275 00

Franklin county.

## FRANKLIN COUNTY.

Ashfield, . . .	One thousand and thirty-five dollars, . . .	\$1,035 00
Bernardston, . . .	Eight hundred thirty-two dollars and fifty cents, . . .	832 50
Buckland, . . .	One thousand three hundred and five dollars, . . .	1,305 00
Charlemont, . . .	Seven hundred and sixty-five dollars, . . .	765 00
Colrain, . . .	One thousand two hundred eighty-two dollars and fifty cents, . . .	1,282 50



## FRANKLIN COUNTY—CONTINUED.

Franklin  
county.

Conway, . . .	One thousand four hundred sixty-two dollars and fifty cents, . . .	\$1,462 50
Deerfield, . . .	Two thousand six hundred seventy-seven dollars and fifty cents, . . .	2,677 50
Erving, . . .	Five hundred and forty dollars, . . .	540 00
Gill, . . .	Seven hundred eighty-seven dollars and fifty cents, . . .	787 50
Greenfield, . . .	Three thousand nine hundred thirty-seven dollars and fifty cents, . . .	3,937 50
Hawley, . . .	Four hundred and five dollars, . . .	405 00
Heath, . . .	Five hundred and forty dollars, . . .	540 00
Leverett, . . .	Six hundred ninety-seven dollars and fifty cents, . . .	697 50
Leyden, . . .	Four hundred twenty-seven dollars and fifty cents, . . .	427 50
Monroe, . . .	One hundred and thirty-five dollars, . . .	135 00
Montague, . . .	One thousand nine hundred and eighty dollars, . . .	1,980 00
New Salem, . . .	Seven hundred and twenty dollars, . . .	720 00
Northfield, . . .	One thousand four hundred sixty-two dollars and fifty cents, . . .	1,462 50
Orange, . . .	Two thousand two hundred twenty-seven dollars and fifty cents, . . .	2,227 50
Rowe, . . .	Four hundred and five dollars, . . .	405 00
Shelburne, . . .	One thousand six hundred eighty-seven dollars and fifty cents, . . .	1,687 50
Shutesbury, . . .	Four hundred twenty-seven dollars and fifty cents, . . .	427 50
Sunderland, . . .	Seven hundred eighty-seven dollars and fifty cents, . . .	787 50
Warwick, . . .	Five hundred sixty-two dollars and fifty cents, . . .	562 50
Wendell, . . .	Four hundred and five dollars, . . .	405 00
Whately, . . .	One thousand three hundred and five dollars, . . .	1,305 00
		\$28,800 00

## HAMPDEN COUNTY.

Hampden  
county.

Agawam, . . .	One thousand six hundred eighty-seven dollars and fifty cents, . . .	\$1,687 50
Blandford, . . .	Nine hundred and forty-five dollars, . . .	945 00

Hampden  
county.

## HAMPDEN COUNTY—CONTINUED.

Brimfield, . .	One thousand two hundred and fifteen dollars, . .	\$1,215 00
Chester, . .	Nine hundred and ninety dollars, . .	990 00
Chicopee, . .	Seven thousand eight hundred ninety-seven dollars and fifty cents, . .	7,897 50
Granville, . .	Nine hundred and forty-five dollars, . .	945 00
Holland, . .	Two hundred and seventy dollars, . .	270 00
Holyoke, . .	Ten thousand six hundred and twenty dollars, . .	10,620 00
Longmeadow, .	One thousand eight hundred and forty-five dollars, . .	1,845 00
Ludlow, . .	Eight hundred seventy-seven dollars and fifty cents, . .	877 50
Monson, . .	Two thousand four hundred seven dollars and fifty cents, . .	2,407 50
Montgomery, .	Two hundred ninety-two dollars and fifty cents, . .	292 50
Palmer, . .	Two thousand six hundred and ten dollars, . .	2,610 00
Russell, . .	Five hundred seventeen dollars and fifty cents, . .	517 50
Southwick, . .	One thousand one hundred ninety-two dollars and fifty cents, . .	1,192 50
Springfield, .	Forty-three thousand one hundred and ten dollars, . .	43,110 00
Tolland, . .	Five hundred seventeen dollars and fifty cents, . .	517 50
Wales, . .	Six hundred ninety-seven dollars and fifty cents, . .	697 50
Westfield, . .	Eight thousand three hundred ninety-two dollars and fifty cents, . .	8,392 50
West Springfield,	Three thousand three hundred fifty-two dollars and fifty cents, . .	3,352 50
Wilbraham, . .	One thousand six hundred and sixty-five dollars, . .	1,665 00
		\$92,047 50

Hampshire  
county.

## HAMPSHIRE COUNTY.

Amherst, . .	Four thousand nine hundred and ninety-five dollars, . .	\$4,995 00
Belchertown, .	Two thousand and two dollars and fifty cents, . .	2,002 50
Chesterfield, .	Seven hundred forty-two dollars and fifty cents, . .	742 50

## HAMPSHIRE COUNTY—CONTINUED.

Hampshire  
county.

Cummington, . . .	Seven hundred forty-two dollars and fifty cents, . . .	\$742 50
Easthampton, . . .	Four thousand three hundred eighty-seven dollars and fifty cents, . . .	4,387 50
Enfield, . . .	One thousand one hundred ninety-two dollars and fifty cents, . . .	1,192 50
Goshen, . . .	Two hundred ninety-two dollars and fifty cents, . . .	292 50
Granby, . . .	Nine hundred twenty-two dollars and fifty cents, . . .	922 50
Greenwich, . . .	Five hundred and eighty-five dollars, . . .	585 00
Hadley, . . .	Two thousand four hundred fifty-two dollars and fifty cents, . . .	2,452 50
Hatfield, . . .	Two thousand four hundred seven dollars and fifty cents, . . .	2,407 50
Huntington, . . .	Nine hundred and ninety dollars, . . .	990 00
Middlefield, . . .	Six hundred and ninety-seven dollars and fifty cents, . . .	697 50
Northampton, . . .	Eleven thousand four hundred fifty-two dollars and fifty cents, . . .	11,452 50
Pelham, . . .	Four hundred twenty-seven dollars and fifty cents, . . .	427 50
Plainfield, . . .	Five hundred seventeen dollars and fifty cents, . . .	517 50
Prescott, . . .	Four hundred and five dollars, . . .	405 00
South Hadley, . . .	Three thousand and eighty-two dollars and fifty cents, . . .	3,082 50
Southampton, . . .	One thousand and thirty-five dollars, . . .	1,035 00
Ware, . . .	Three thousand one hundred and five dollars, . . .	3,105 00
Westhampton, . . .	Six hundred and seventy-five dollars, . . .	675 00
Williamsburg, . . .	Two thousand four hundred ninety-seven dollars and fifty cents, . . .	2,497 50
Worthington, . . .	Seven hundred and twenty dollars, . . .	720 00
		<hr/> \$46,327 50

## MIDDLESEX COUNTY.

Middlesex  
county.

Acton, . . .	One thousand seven hundred seventy-seven dollars and fifty cents, . . .	\$1,777 50
Arlington, . . .	Five thousand six hundred ninety-two dollars and fifty cents, . . .	5,692 50
Ashby, . . .	Nine hundred sixty-seven dollars and fifty cents, . . .	967 50

Middlesex  
county.

## MIDDLESEX COUNTY—CONTINUED.

Ashland, . .	Two thousand one hundred thirty-seven dollars and fifty cents, . .	\$2,137 50
Ayer, . . .	One thousand six hundred and twenty dollars, . . .	1,620 00
Bedford, . .	Nine hundred twenty-two dollars and fifty cents, . . .	922 50
Belmont, . .	Three thousand six hundred dollars, . .	3,600 00
Billerica, . .	Two thousand four hundred seven dollars and fifty cents, . . .	2,407 50
Boxborough, .	Four hundred twenty-seven dollars and fifty cents, . . .	427 50
Brighton, . .	Nine thousand nine hundred and ninety dollars, . . .	9,990 00
Burlington, .	Seven hundred eighty-seven dollars and fifty cents, . . .	787 50
Cambridge, .	Sixty-five thousand nine hundred two dollars and fifty cents, . . .	65,902 50
Carlisle, . .	Six hundred seven dollars and fifty cents, . . .	607 50
Charlestown, .	Forty-two thousand nine hundred and seventy-five dollars, . . .	42,975 00
Chelmsford, .	Two thousand seven hundred sixty-seven dollars and fifty cents, . . .	2,767 50
Concord, . .	Three thousand five hundred thirty-two dollars and fifty cents, . . .	3,532 50
Dracont, . .	Two thousand two hundred and fifty dollars, . . .	2,250 00
Dunstable, . .	Five hundred and forty dollars, . . .	540 00
Everett, . .	Three thousand two hundred and forty dollars, . . .	3,240 00
Framingham, .	Six thousand and thirty dollars, . . .	6,030 00
Groton, . . .	Two thousand five hundred eighty-seven dollars and fifty cents, . . .	2,587 50
Holliston, . .	Three thousand one hundred seventy-two dollars and fifty cents, . .	3,172 50
Hopkinton, .	Three thousand seven hundred twelve dollars and fifty cents, . . .	3,712 50
Hudson, . . .	Two thousand five hundred and sixty-five dollars, . . .	2,565 00
Lexington, . .	Three thousand three hundred and seventy-five dollars, . . .	3,375 00
Lincoln, . . .	One thousand one hundred and two dollars and fifty cents, . . .	1,102 50
Littleton, . .	One thousand one hundred and seventy dollars, . . .	1,170 00
Lowell, . . .	Forty-three thousand four hundred two dollars and fifty cents, . . .	43,402 50
Malden, . . .	Nine thousand seven hundred and sixty-five dollars, . . .	9,765 00
Marlborough, .	Five thousand eight hundred twenty-seven dollars and fifty cents, . . .	5,827 50

## MIDDLESEX COUNTY—CONCLUDED.

Middlesex  
county.

Maynard, . . .	One thousand six hundred eighty-seven dollars and fifty cents, . . .	\$1,687 50
Medford, . . .	Nine thousand one hundred and eighty dollars, . . .	9,180 00
Melrose, . . .	Four thousand one hundred seven-teen dollars and fifty cents, . . .	4,117 50
Natick, . . .	Five thousand five hundred and eighty dollars, . . .	5,580 00
Newton, . . .	Twenty-six thousand four hundred eighty-two dollars and fifty cents, . . .	26,482 50
North Reading, . . .	Nine hundred twenty-two dollars and fifty cents, . . .	922 50
Pepperell, . . .	One thousand nine hundred and eighty dollars, . . .	1,980 00
Reading, . . .	Two thousand eight hundred and eighty dollars, . . .	2,880 00
Sherborn, . . .	One thousand four hundred sixty-two dollars and fifty cents, . . .	1,462 50
Shirley, . . .	One thousand four hundred and eighty-five dollars, . . .	1,485 00
Somerville, . . .	Twenty thousand two hundred and five dollars, . . .	20,205 00
Stoneham, . . .	Four thousand seventy-two dollars and fifty cents, . . .	4,072 50
Stow, . . .	One thousand two hundred and sixty dollars, . . .	1,260 00
Sudbury, . . .	One thousand five hundred ninety-seven dollars and fifty cents, . . .	1,597 50
Tewksbury, . . .	One thousand five hundred and thirty dollars, . . .	1,530 00
Townsend, . . .	One thousand five hundred ninety-seven dollars and fifty cents, . . .	1,597 50
Tyngsborough, . . .	Five hundred sixty-two dollars and fifty cents, . . .	562 50
Wakefield, . . .	Five thousand one hundred fifty-two dollars and fifty cents, . . .	5,152 50
Waltham, . . .	Twelve thousand one hundred and ninety-five dollars, . . .	12,195 00
Watertown, . . .	Seven thousand one hundred thirty-two dollars and fifty cents, . . .	7,132 50
Wayland, . . .	One thousand two hundred thirty-seven dollars and fifty cents, . . .	1,237 50
Westford, . . .	One thousand eight hundred sixty-seven dollars and fifty cents, . . .	1,867 50
Weston, . . .	One thousand nine hundred fifty-seven dollars and fifty cents, . . .	1,957 50
Wilmington, . . .	Eight hundred seventy-seven dollars and fifty cents, . . .	877 50
Winchester, . . .	Four thousand nine hundred and five dollars, . . .	4,905 00
Woburn, . . .	Eleven thousand eight hundred and thirty-five dollars, . . .	11,835 00
		<hr/> \$368,617 50

Nantucket  
county.

## NANTUCKET COUNTY.

Nantucket, .	Three thousand eight hundred forty-seven dollars and fifty cents, .	\$3,847 50
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Norfolk county.

## NORFOLK COUNTY.

Bellingham, .	Nine hundred and ninety dollars, .	\$990 00
Braintree, .	Three thousand eight hundred and twenty-five dollars, . . . .	3,825 00
Brookline, .	Twenty-seven thousand two hundred and ninety-two dollars and fifty cents, . . . .	27,292 50
Canton, .	Four thousand three hundred and eighty-seven dollars and fifty cents, . . . .	4,387 50
Cohasset, .	Two thousand nine hundred and twenty-five dollars, . . . .	2,925 00
Dedham, .	Seven thousand two hundred sixty-seven dollars and fifty cents, . .	7,267 50
Dover, .	Six hundred and seventy-five dollars, . . . .	675 00
Foxborough, .	Two thousand five hundred eighty-seven dollars and fifty cents, . .	2,587 50
Franklin, .	Two thousand five hundred eighty-seven dollars and fifty cents, . .	2,587 50
Holbrook, .	One thousand nine hundred and thirty-five dollars, . . . .	1,935 00
Hyde Park, .	Seven thousand five hundred and fifteen dollars, . . . .	7,515 00
Medfield, .	One thousand three hundred and fifty dollars, . . . .	1,350 00
Medway, .	Two thousand nine hundred ninety-two dollars and fifty cents, . .	2,992 50
Milton, .	Seven thousand two hundred twenty-two dollars and fifty cents, . .	7,222 50
Needham, .	Four thousand seven hundred two dollars and fifty cents, . . . .	4,702 50
Norfolk, .	Eight hundred seventy-seven dollars and fifty cents, . . . .	877 50
Norwood, .	One thousand nine hundred and thirty-five dollars, . . . .	1,935 00
Quincy, .	Seven thousand nine hundred forty-two dollars and fifty cents, . .	7,942 50
Randolph, .	Three thousand five hundred thirty-two dollars and fifty cents, . .	3,532 50
Sharon, .	One thousand three hundred and ninety-five dollars, . . . .	1,395 00
Stoughton, .	Four thousand two hundred and thirty dollars, . . . .	4,230 00
Walpole, .	Two thousand two hundred and five dollars, . . . .	2,205 00

## NORFOLK COUNTY—CONTINUED.

Norfolk county.

West Roxbury, .	Twenty thousand eight hundred and eighty dollars, . . . . .	\$20,880 00
Weymouth, .	Eight thousand nine hundred seventy-seven dollars and fifty cents, . .	8,977 50
Wrentham, .	Two thousand and two dollars and fifty cents, . . . . .	2,002 50
		<hr/> \$132,232 50

## PLYMOUTH COUNTY.

Plymouth county.

Abington, . .	Seven thousand nine hundred and sixty-five dollars, . . . . .	\$7,965 00
Bridgewater, .	Three thousand eight hundred two dollars and fifty cents, . . . . .	3,802 50
Carver, . . .	One thousand and thirty-five dollars, . . . . .	1,035 00
Duxbury, . .	Two thousand one hundred and sixty dollars, . . . . .	2,160 00
E. Bridgewater, .	Two thousand four hundred seven dollars and fifty cents, . . . . .	2,407 50
Halifax, . . .	Six hundred seven dollars and fifty cents, . . . . .	607 50
Hanover, . . .	One thousand six hundred eighty-seven dollars and fifty cents, . . . .	1,687 50
Hanson, . . .	One thousand twelve dollars and fifty cents, . . . . .	1,012 50
Hingham, . . .	Five thousand two hundred and twenty dollars, . . . . .	5,220 00
Hull, . . . .	Three hundred eighty-two dollars and fifty cents, . . . . .	382 50
Kingston, . . .	Two thousand one hundred eighty-two dollars and fifty cents, . . . .	2,182 50
Lakeville, . .	One thousand and thirty-five dollars, . . . . .	1,035 00
Marion, . . .	Eight hundred thirty-two dollars and fifty cents, . . . . .	832 50
Marshfield, . .	One thousand five hundred and thirty dollars, . . . . .	1,530 00
Mattapoisett, .	One thousand one hundred and twenty-five dollars, . . . . .	1,125 00
Middleborough, .	Four thousand three hundred and twenty dollars, . . . . .	4,320 00
No. Bridgewater, .	Six thousand seven hundred seventy-two dollars and fifty cents, . . . .	6,772 50
Pembroke, . . .	One thousand one hundred ninety-two dollars and fifty cents, . . . .	1,192 50
Plymouth, . . .	Six thousand one hundred and sixty-five dollars, . . . . .	6,165 00
Plympton, . . .	Six hundred seven dollars and fifty cents, . . . . .	607 50

Plymouth  
county.

## PLYMOUTH COUNTY—CONTINUED.

Rochester, . .	Nine hundred and forty-five dollars,	\$945 00
Scituate, . .	Two thousand forty-seven dollars and fifty cents, . . . . .	2,047 50
South Scituate, .	One thousand seven hundred and ten dollars, . . . . .	1,710 00
Wareham, . .	Two thousand two hundred and five dollars, . . . . .	2,205 00
W. Bridgewater,	One thousand five hundred and seven dollars and fifty cents, . .	1,507 50
		\$60,457 50

Suffolk county.

## SUFFOLK COUNTY.

Boston, . .	Eight hundred and twenty-eight thousand five hundred and forty dollars, . . . . .	\$828,540 00
Chelsea, . .	Nineteen thousand seven hundred and fifty-five dollars, . . . .	19,755 00
Revere, . .	One thousand five hundred ninety- seven dollars and fifty cents, . .	1,597 50
Winthrop, . .	Seven hundred eighty-seven dollars and fifty cents, . . . . .	787 50
		\$850,680 00

Worcester  
county.

## WORCESTER COUNTY.

Ashburnham, . .	One thousand eight hundred twenty- two dollars and fifty cents, . . .	\$1,822 50
Athol, . .	Three thousand six hundred sixty- seven dollars and fifty cents, . .	3,667 50
Auburn, . .	Nine hundred twenty-two dollars and fifty cents, . . . . .	922 50
Barre, . .	Three thousand and fifteen dollars, .	3,015 00
Berlin, . .	Eight hundred thirty-two dollars and fifty cents, . . . . .	832 50
Blackstone, . .	Three thousand nine hundred eighty- two dollars and fifty cents, . . .	3,982 50
Bolton, . .	One thousand and twelve dollars and fifty cents, . . . . .	1,012 50
Boylston, . .	Eight hundred seventy-seven dollars and fifty cents, . . . . .	877 50
Brookfield, . .	Two thousand two hundred and fifty dollars, . . . . .	2,250 00
Charlton, . .	One thousand eight hundred dollars,	1,800 00



## WORCESTER COUNTY—CONTINUED.

Worcester  
county.

Clinton, . . .	Four thousand nine hundred and ninety-five dollars, . . .	\$1,995 00
Dana, . . .	Five hundred sixty-two dollars and fifty cents, . . .	562 50
Douglas, . . .	One thousand eight hundred twenty-two dollars and fifty cents, . . .	1,822 50
Dudley, . . .	One thousand eight hundred sixty-seven dollars and fifty cents, . . .	1,867 50
Fitchburg, . . .	Seventeen thousand one hundred and forty-five dollars, . . .	17,145 00
Gardner, . . .	Three thousand one hundred seventy-two dollars and fifty cents, . . .	3,172 50
Grafton, . . .	Three thousand three hundred ninety-seven dollars and fifty cents . . .	3,397 50
Hardwick, . . .	One thousand nine hundred and eighty dollars, . . .	1,980 00
Harvard, . . .	One thousand six hundred and sixty-five dollars, . . .	1,665 00
Holden, . . .	One thousand six hundred and sixty-five dollars, . . .	1,665 00
Hubbardston, . . .	One thousand five hundred fifty-two dollars and fifty cents, . . .	1,552 50
Lancaster, . . .	Three thousand two hundred and forty dollars, . . .	3,240 00
Leicester, . . .	Three thousand three hundred and thirty dollars, . . .	3,330 00
Leominster, . . .	Four thousand nine hundred and five dollars, . . .	4,905 00
Lunenburg, . . .	One thousand two hundred and sixty dollars . . .	1,260 00
Mendon, . . .	One thousand one hundred and ninety-two dollars and fifty cents, . . .	1,192 50
Milford, . . .	Eight thousand eight hundred and sixty-five dollars, . . .	8,865 00
Millbury, . . .	Three thousand five hundred and ten dollars, . . .	3,510 00
New Braintree, . . .	Nine hundred dollars, . . .	900 00
Northborough, . . .	Two thousand and two dollars and fifty cents, . . .	2,002 50
Northbridge, . . .	Three thousand two hundred seventeen dollars and fifty cents, . . .	3,217 50
North Brookfield, . . .	Three thousand one hundred seventy-two dollars and fifty cents, . . .	3,172 50
Oakham, . . .	Six hundred ninety-seven dollars and fifty cents, . . .	697 50
Oxford, . . .	Two thousand three hundred sixty-two dollars and fifty cents, . . .	2,362 50
Paxton, . . .	Six hundred seven dollars and fifty cents, . . .	607 50
Petersham, . . .	One thousand two hundred and sixty dollars, . . .	1,260 00

Worcester  
county.

## WORCESTER COUNTY—CONCLUDED.

Phillipston, .	Five hundred sixty-two dollars and fifty cents, . . . . .	\$562 50
Princeton, .	One thousand four hundred and eighty-five dollars, . . . . .	1,485 00
Royalston, .	One thousand four hundred seven- teen dollars and fifty cents, . . . .	1,417 50
Rutland, .	Nine hundred twenty-two dollars and fifty cents, . . . . .	922 50
Shrewsbury, .	One thousand eight hundred twenty- two dollars and fifty cents, . . . .	1,822 50
Southborough, .	Two thousand two hundred twenty- seven dollars and fifty cents, . . . .	2,227 50
Southbridge, .	Four thousand one hundred sixty- two dollars and fifty cents, . . . .	4,162 50
Spencer, .	Three thousand six hundred and ninety dollars, . . . . .	3,690 00
Sterling, .	One thousand nine hundred and eighty dollars, . . . . .	1,980 00
Sturbridge, .	One thousand seven hundred and fifty-five dollars, . . . . .	1,755 00
Sutton, .	Two thousand one hundred and fif- teen dollars, . . . . .	2,115 00
Templeton, .	Two thousand two hundred and five dollars, . . . . .	2,205 00
Upton, .	One thousand five hundred ninety- seven dollars and fifty cents, . . . .	1,597 50
Uxbridge, .	Three thousand and fifteen dollars, .	3,015 00
Warren, .	Two thousand, five hundred and sixty-five dollars, . . . . .	2,565 00
Webster, .	Three thousand nine hundred eighty- two dollars and fifty cents, . . . .	3,982 50
Westborough, .	Three thousand four hundred forty- two dollars and fifty cents, . . . .	3,442 50
West Boylston, .	Two thousand and two dollars and fifty cents, . . . . .	2,002 50
West Brookfield, .	One thousand five hundred seven dollars and fifty cents, . . . . .	1,507 50
Westminster, .	One thousand five hundred ninety- seven dollars and fifty cents, . . . .	1,597 50
Winchendon, .	Three thousand three hundred ninety-seven dollars and fifty cents, . . . . .	3,397 50
Worcester, .	Fifty-seven thousand three hundred ninety-seven dollars and fifty cents, . . . . .	57,397 50
		<hr/> \$205,380 00

## RECAPITULATION.

Recapitulation  
by counties.

Barnstable Co., .	Twenty-eight thousand two hundred and fifteen dollars, . . . . .	\$28,215 00
Berkshire Co., .	Sixty-five thousand seven hundred and ninety dollars, . . . . .	65,790 00
Bristol County, .	One hundred and thirty-four thousand one hundred and ninety dollars, . . . . .	134,190 00
Dukes County, .	Four thousand one hundred and forty dollars, . . . . .	4,140 00
Essex County, .	Two hundred twenty-nine thousand two hundred and seventy-five dollars, . . . . .	229,275 00
Franklin County,	Twenty-eight thousand eight hundred dollars, . . . . .	28,800 00
Hampden Co., .	Ninety-two thousand forty-seven dollars and fifty cents, . . . . .	92,047 50
Hampshire Co., .	Forty-six thousand three hundred twenty-seven dollars and fifty cents, . . . . .	46,327 50
Middlesex Co., .	Three hundred sixty-eight thousand six hundred seventeen dollars and fifty cents, . . . . .	368,617 50
Nantucket Co., .	Three thousand eight hundred forty-seven dollars and fifty cents, . . . . .	3,847 50
Norfolk County, .	One hundred thirty-two thousand two hundred thirty-two dollars and fifty cents, . . . . .	132,232 50
Plymouth Co., .	Sixty thousand four hundred fifty-seven dollars and fifty cents, . . . . .	60,457 50
Suffolk County, .	Eight hundred fifty thousand six hundred and eighty dollars, . . . . .	850,680 00
Worcester Co., .	Two hundred five thousand three hundred and eighty dollars, . . . . .	205,380 00
		<hr/> \$2,250,000 00

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them, respectively, to assess the sum so charged, according to the provisions of chapter eleven of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city or town.

Treasurer of  
Commonwealth  
to issue warrant.

SECTION 3. The treasurer, in his warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants requiring the treasurers of their several cities or towns to pay to the treasurer of

To require  
selectmen or  
assessors to  
issue warrant to  
city or town  
treasurers.

the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and seventy-three, the sums set against said cities or towns in the schedule aforesaid; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the treasurer of the Commonwealth at some time before the first day of October next.

Treasurer of the Commonwealth to notify delinquent city or town treasurer.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dating on and after the first day of December next; and, if the same remains unpaid after the first day of January next, an information may be filed by the treasurer of the Commonwealth, in the supreme judicial court, or before any justice thereof, against such delinquent city or town, and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as said court, or the justice thereof before whom the hearing is had, shall order.

SECTION 5. This act shall take effect upon its passage.

*Approved June 11, 1873.*

**Ch. 363.** AN ACT TO PROVIDE A CLERK FOR THE MUNICIPAL COURT OF THE DORCHESTER DISTRICT OF THE CITY OF BOSTON.

*Be it enacted, &c., as follows:*

Clerk to be appointed, to hold office until next regular election of clerks.

SECTION 1. The governor, with the advice and consent of the council, shall nominate and appoint a clerk of the municipal court of the Dorchester district of the city of Boston, who shall hold his office until the next regular election of clerks of the municipal, district and police courts of the Commonwealth, unless sooner removed by the governor and council.

To perform duties prescribed by G. S. for clerks of police courts.

SECTION 2. Said clerk shall perform all the duties now prescribed by the General Statutes for clerks of police courts; and all the provisions of law now applicable to clerks of police courts shall apply to said clerk.

Salary of \$800.

SECTION 3. Said clerk shall receive an annual salary of eight hundred dollars, to be paid from the treasury of the Commonwealth.

SECTION 4. This act shall take effect so far as the appointment, commissioning and qualifying of said clerk are concerned, upon its passage, and it shall take full effect on the first day of July, in the year eighteen hundred and seventy-three.

When to take effect.

*Approved June 11, 1873.*

AN ACT IN ADDITION TO AN ACT IN RELATION TO THE SMELT FISHERY.  
*Be it enacted, &c., as follows :*

*Ch. 364.*

SECTION 1. Whoever takes any smelts with a net of any kind or in any other manner than by naturally or artificially baited hooks and hand lines shall forfeit for each smelt so taken, the sum of twenty-five cents : *provided*, that nothing herein contained shall apply to any person catching smelts in any seine or net in Taunton Great River or Dukes County during the time and in the manner a person may lawfully fish for herrings or alewives, or to any person lawfully fishing for perch or alewives in Bass River or its tributaries in the towns of Yarmouth and Dennis, or to any person lawfully fishing for perch, herring or alewives in North River in Scituate, or in either branch of Westport River.

Smelts not to be taken, except by baited hooks and hand lines.

Proviso.

SECTION 2. Section one of chapter two hundred and eleven of the acts of the year eighteen hundred and seventy-three is repealed.

Repeal of 1873, 211, § 1.

*Approved June 11, 1873.*

AN ACT TO AUTHORIZE THE APPOINTMENT OF TWO ADDITIONAL MASTERS IN CHANCERY FOR SUFFOLK COUNTY.

*Ch. 365.*

*Be it enacted, &c., as follows :*

SECTION 1. The governor, by and with the advice and consent of the council, is authorized to appoint two additional masters in chancery, in and for the county of Suffolk, and hereafter the number of masters in chancery for said county of Suffolk shall be nine.

Two additional masters in chancery may be appointed for Suffolk county.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1873.*

AN ACT TO AUTHORIZE A CHANGE IN THE HARBOR LINES IN GLOUCESTER HARBOR.

*Ch. 366.*

*Be it enacted, &c., as follows :*

SECTION 1. The board of harbor commissioners is hereby authorized, with the approval of the governor and council, to change the harbor line in Gloucester harbor, between the easterly corner of the wharf of Brown Brothers and the south-westerly corner of the westerly wharf of John Pew, if after investigation it shall be found expedient, and to authorize the extension of wharves and

Harbor lines in Gloucester Harbor may be changed by commissioners.

Provisos.

other structures to such new harbor line established in said locality under this act, any existing law to the contrary notwithstanding: *provided*, such new line shall be established as herein authorized, within one year after the passage of this act; and *provided, further*, that said new line shall at no point be more than ten feet beyond the existing harbor line.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1873.*

**Ch. 367.** AN ACT FOR THE BETTER PROTECTION OF NEGLECTED AND DESTITUTE CHILDREN.

*Be it enacted, &c., as follows:*

Guardian may be appointed and have custody of a minor, when parents are unfit.

SECTION 1. The statutes relating to the appointment of guardians to minors are so amended as to authorize the appointment of a guardian who shall have the custody of any minor child, whose parents or surviving parent the probate court, upon a hearing, after such notice to the parents or surviving parent as the court may direct, shall find to be unfit to have such custody.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1873.*

**Ch. 368.** AN ACT TO AMEND THE SEVERAL ACTS OF THE PRESENT YEAR FOR THE ANNEXATION OF WEST ROXBURY, BROOKLINE AND BRIGHTON TO THE CITY OF BOSTON.

*Be it enacted, &c., as follows:*

Amendments to 1873, 290, § 6, 1873, 303, § 6, 1873, 314, § 6.

SECTION 1. Section six of chapter two hundred and ninety, section six of chapter three hundred and three, and section six of chapter three hundred and fourteen of the acts of the year eighteen hundred and seventy-three, are amended by striking from each of said sections, the words "second Monday of December," and inserting in place thereof the words "second Tuesday of December."

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1873.*

**Ch. 369.** AN ACT TO INCORPORATE THE SPRINGFIELD BANKING AND TRUST COMPANY.

*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. Henry Alexander, junior, Charles O. Chapin, Smith R. Phillips, Samuel B. Spooner, Samuel Palmer, their associates and successors, are made a corporation by the name of the Springfield Banking and Trust Company, to be located at Springfield for the purpose of receiving on deposit, storage or otherwise,

Name and purpose.

money in sums of one hundred dollars and upwards, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt and other property of every kind, and of collecting and disbursing the interest or income upon such of said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income, when it becomes due, upon terms to be prescribed by the corporation; and for the purpose of advancing money or credits on real and personal security, on terms that may be agreed upon; and all the powers and privileges necessary for the execution of this purpose are granted, subject, nevertheless, to the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes, and in all the general laws which now are or hereafter may be in force relating to such corporations.

Powers and duties.

SECTION 2. Such corporation shall at all times have on hand, as a reserve, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of all its deposits which are subject to withdrawal upon demand, or within ten days; and whenever said reserve of such corporation shall be below such per centum of such deposits it shall not increase its liabilities, by making any new loans, until the required proportion between the aggregate amount of such deposits and its reserve shall be restored: *provided*, that in lieu of lawful money, one-third of said fifteen per centum may consist of balances, payable on demand, due from any national bank doing business in this Commonwealth, approved by the commissioner of savings banks, and one other third of said fifteen per centum may consist of bonds of the United States or of this Commonwealth, the absolute property of such corporation.

To have on hand at all times as a reserve fifteen per cent. of amount of deposits, subject to withdrawal on demand.

Proviso.

SECTION 3. Any court of law or of equity, including courts of probate and insolvency of this state, may by decree or otherwise direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corporation shall not be required to assume or execute any

Any court may direct that moneys under its control may be deposited with this corporation.

Proviso.

Investments.

trust without its own assent. Said corporation shall also have power to receive and hold moneys or property in trust, or on deposit, from executors, administrators, assignees, guardians and trustees, upon such terms or conditions as may be obtained or agreed upon: *provided, also*, that all such moneys or properties received under the provisions of this section, shall be loaned on or invested only in the authorized loans of the United States, or of any of the New England states or cities, or counties, or towns of this state, or stocks of state or national banks, organized within this Commonwealth, or in the first mortgage bonds of any railroad company incorporated by any of the New England states, which has earned and paid regular dividends on its stocks, for two years next preceding such loan or investment, or in the bonds of any such railroad company unencumbered by mortgage or in first mortgages on real estate in this Commonwealth or in any securities in which savings banks are allowed to invest, or upon the notes with two sureties of manufacturing corporations created under the laws of this state, or of individuals with a sufficient pledge as collateral of any of the aforesaid securities (but all real estate, acquired by foreclosure of mortgages, or by levy of execution, shall be sold at public auction within two years after such foreclosure, or levy): *provided, also*, that all such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds and the investment or loans of them shall be specially appropriated to the security and payment of such deposits, and not be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this proviso, said corporation shall have a trust department, in which all business authorized by this section shall be kept separate and distinct from its general business.

Liabilities of any corporation other than towns not to exceed one-fifth of company capital.

SECTION 4. The total liabilities to this corporation of any person, firm or corporation, other than cities or towns, for money borrowed, including in the liabilities of a company or firm the liabilities of its several members shall, at no time, exceed one-fifth part of such amount of the capital stock of this corporation as is actually paid up

To make semi-annual returns to commissioner of savings banks.

SECTION 5. Said corporation shall semi-annually make a return to the commissioner of savings banks in this Commonwealth on or before the second Mondays of May



and November, and at two other times during the year, when said commissioner shall from time to time by written notice direct the same to be made, which shall be signed and sworn to by a majority of its board of directors; and said return shall specify the following, namely: capital stock; amount of all moneys and property in detail, in the possession or charge of said company as deposits, amount of deposits payable on demand or within ten days, trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states or cities or counties, or towns, stating amount in each; investments in bank stock, stating amount in each; investments in railroad stock, stating amount in each; investments in railroad bonds, stating amount in each; loans on notes of corporations, stating amount in each; loans on notes of individuals; loans on mortgage of real estate; cash on hand, all as existing at the date of making of such return; with the rate, amount and date of dividends since last return. The commissioner of savings banks shall have access to the vaults, books and papers of the company, and it shall be his duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if this corporation were a savings bank subject to all the general laws which now are or hereafter may be in force, relating to such institutions in this regard. Abstracts of such returns, showing the resources and liabilities of said corporation, in a form to be approved by said commissioner, shall be published in a newspaper in the city of Springfield at the expense of such corporation.

Commissioner to have access to books and papers of company.

SECTION 6. Said corporation shall be subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and any acts now existing, or which may hereafter be passed in amendment or lieu thereof.

Subject to provisions of 1865, 283.

SECTION 7. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of some officer of the corporation, of all personal property held upon any trust on the first day of May, which would be taxable if held by an individual trustee, residing in this Commonwealth, and the name of every city or town in this Commonwealth where any beneficiary resided on

To make annual return to tax commissioner of personal property held in trust.

To pay a tax  
into State  
treasury.

said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities and towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fourteen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof, for corporations failing to make the returns provided by said act. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner, upon an amount equal to the total value of such property, at the rate ascertained and determined by him, under section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof.

To make an-  
nual return of  
amount deposit-  
ed on interest  
or for invest-  
ment.

SECTION 8. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement, verified by the oath of some officer of the corporation, of the amount of all sums deposited with it on interest or for investment, other than those specified in the seventh and tenth sections of this act, together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns under a like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths the rate ascertained and determined by him, under section five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment thereof.

No taxes to be  
assessed in any  
town on prop-  
erty held in  
trust or deposit-  
ed on interest  
or for invest-  
ment.

SECTION 9. No taxes shall be assessed in any city or town for state, county or town purposes, upon or in respect of any such property held in trust or any such amounts deposited on interest, or for investment, but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of

May next preceding, according to the aggregate amount so held for beneficiaries and persons residing in such cities and towns respectively; and in regard to such sums so to be assessed and paid as aforesaid, said corporation shall be subject to sections eleven, twelve, thirteen, the last paragraph of section fifteen and section seventeen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, and acts in amendment or lieu thereof, so far as the same are applicable thereto.

SECTION 10. Deposits with said corporation which can be withdrawn on demand, shall, for purposes of taxation be deemed money in possession of the person to whom the same is payable.

Deposits withdrawable on demand, deemed in possession of payee.

SECTION 11. The said corporation is also authorized to act as agent for the purpose of issuing, registering, or countersigning the certificates of stock, bonds or other evidence of indebtedness of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon.

May act as agent for issuing bonds for any corporation.

SECTION 12. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege to increase the same from time to time to not exceeding five hundred thousand dollars, and the same shall be paid for at such time and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have been actually paid in in cash.

Capital stock.

Proviso.

SECTION 13. Said corporation shall be entitled to purchase and hold for its own use, real estate not exceeding in value twenty-five thousand dollars.

Real estate.

SECTION 14. The shareholders of said corporation shall be held individually liable, equally and ratably and not one for another, for all contracts, debts and engagements of such association, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions contained in chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, sections forty to forty-nine inclusive, shall apply to and regulate the enforcement of this liability.

Stockholders to be held individually liable for debts of corporation.

SECTION 15. This act shall take effect upon its passage.

*Approved June 11, 1873.*

**Ch. 370.** AN ACT TO AUTHORIZE LEONARD BRIGHTMAN TO CONSTRUCT A WHARF IN FALL RIVER.

*Be it enacted, &c., as follows :*

May construct  
a wharf in Fall  
River.

SECTION 1. License is granted to Leonard Brightman to construct a wharf on his land in Fall River, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1873.*

**Ch. 371.** AN ACT TO PREVENT FRAUDS IN PROCURING DIVORCE, AND TO AMEND THE LAW IN RELATION THERETO.

*Be it enacted, &c., as follows :*

Penalty for pro-  
curing false  
testimony to be  
given, &c., in a  
suit for divorce.

SECTION 1. Whoever falsely personates another or wilfully and fraudulently procures any person to personate another, or fraudulently procures any false testimony to be given, or makes a false or fraudulent return of service of process in any suit for divorce, or any proceeding connected therewith, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in jail not exceeding two years.

Decree of  
divorce nisi not  
to be entered,  
except as pro-  
vided in 1867,  
222.

SECTION 2. No decree of divorce nisi, except as provided in chapter two hundred and twenty-two of the acts of eighteen hundred and sixty-seven, shall hereafter be entered, but an absolute divorce from the bonds of matrimony may be granted for any cause for which a divorce nisi may now be granted: *provided*, that no divorce shall be granted for desertion unless the desertion has continued for at least three consecutive years next prior to the filing of the libel for divorce.

Proviso.

Divorce from  
bonds of matri-  
mony on peti-  
tion of party to  
whom divorce  
nisi, &c., has  
been decreed.  
Proviso.

SECTION 3. On petition of any party to whom a divorce nisi or a divorce from bed and board has been decreed, a divorce from the bonds of matrimony may be decreed, with such terms respecting alimony and custody of children as to the court seem just: *provided*, that in all cases where a divorce nisi or a divorce from bed and board has been granted on the ground of desertion, a divorce from the bonds of matrimony shall not be granted until the parties have lived separately at least three consecutive years next prior to the date of the decree of divorce from the bonds of matrimony.

S. J. C. may  
authorize ad-  
verse party  
divorced from  
bonds of matri-  
mony to marry  
again.

SECTION 4. In all cases where a divorce from the bonds of matrimony has been or may hereafter be granted, the justices of the supreme judicial court, upon petition filed by the party against whom the divorce was granted

and upon such notice as the court may order, may authorize such party to marry again.

SECTION 5. Sections three and five of chapter four hundred and four of the acts of the year eighteen hundred and seventy, are hereby repealed, but nothing herein contained shall be construed to revive sections nine, ten or thirty-eight of chapter one hundred and seven of the General Statutes. Repeal.

SECTION 6. Section two of chapter four hundred and four of the acts of eighteen hundred and seventy is amended by striking out the words "contracted after marriage." Amendment to 1870, 404, § 2.

SECTION 7. When a divorce is decreed for any cause, the court granting it may decree alimony to the wife, or any part of her estate to her husband in the nature of alimony, and the court shall have full power to make all such decrees in relation to the care, custody and support of the minor child or children of the parties during minority, as to the court shall seem fit and proper and for the best interest of such child or children. When divorce is decreed for any cause, court may decree alimony, and also as to care, &c., of minor children.

SECTION 8. This act shall take effect upon its passage.

*Approved June 11, 1873.*

AN ACT ESTABLISHING THE SALARIES OF CERTAIN OFFICERS.

*Ch. 372.*

*Be enacted, &c., as follows :*

SECTION 1. The salary of the private secretary of the governor shall be twenty-five hundred dollars per annum. Private secretary of the governor.

SECTION 2. The salary of the assistant messenger to the governor and council shall be one thousand dollars per annum. Assistant messenger.

SECTION 3. The salary of the assistant clerk of the senate shall be nine hundred dollars. Assistant clerk, senate.

SECTION 4. The salary of the assistant clerk of the house of representatives shall be nine hundred dollars. Assistant clerk, house of representatives.

SECTION 5. The foregoing salaries shall be paid from the first day of January in the year eighteen hundred and seventy-three. Salaries to be paid from Jan. 1, 1873.

SECTION 6. This act shall take effect upon its passage.

*Approved June 12, 1873.*

AN ACT TO ESTABLISH THE SALARIES OF THE WATCHMEN OF THE STATE HOUSE.

*Ch. 373.*

*Be enacted, &c., as follows :*

SECTION 1. The watchmen of the state house shall each receive a salary of fifteen hundred dollars per annum, Salaries of watchmen at state house.

and the assistant watchman shall receive a salary of twelve hundred dollars per annum : *provided*, that the watchmen, in addition to their present duties, shall perform the duties of messengers to the treasurer, auditor and insurance commissioner.

To be paid from  
Jan. 1, 1873.

SECTION 2. The above salaries shall be paid from the first day of January, one thousand eight hundred and seventy-three.

SECTION 3. This act shall take effect upon its passage.

*Approved June 12, 1873.*

**Ch. 374.** AN ACT IN ADDITION TO AN ACT RELATING TO THE FIRE DEPARTMENT OF THE CITY OF BOSTON.

*Be enacted, &c., as follows :*

Fire department  
to have right of  
way in streets  
in Boston.

SECTION 1. The officers and men of the fire department of the city of Boston, with the engines and apparatus thereof, shall have the right of way, while going to a fire upon any alarm thereof, through any street, lane or alley in the said city, subject to such rules and regulations as the city council may prescribe. Whoever wilfully and maliciously obstructs or retards the passage of such engines and apparatus while so going to a fire as aforesaid, shall be punished by imprisonment in the jail not exceeding three months, or by fine not exceeding fifty dollars.

Amendment to  
1850, 262, § 1.

SECTION 2. The first section of chapter two hundred and sixty-two of the acts of the year eighteen hundred and fifty is hereby amended by adding at the end of the proviso thereto, the words "unless the said city council shall, by ordinance, otherwise provide for their appointment."

SECTION 3. This act shall take effect upon its passage.

*Approved June 12, 1873.*

**Ch. 375.** AN ACT FOR FIXING THE TIME AND PLACE OF HOLDING PROBATE COURTS IN THE COUNTY OF SUFFOLK.

*Be enacted, &c., as follows :*

Courts to be  
held every Mon-  
day of each  
month.

SECTION 1. The sessions of the probate court in the county of Suffolk shall be held at Boston every Monday in each month in the year.

SECTION 2. This act shall take effect upon its passage.

*Approved June 12, 1873.*

**Ch. 376.** AN ACT TO PREVENT FRAUD AT ELECTIONS IN CITIES.

*Be enacted, &c., as follows :*

Supervisors of  
elections to be  
appointed by  
S. J. C. upon  
the request of  
five legal voters.

SECTION 1. Whenever prior to an election, five legal voters of any ward of a city shall make known in writing to a justice of the supreme judicial court, in term time or

vacation, their desire to have such election guarded and scrutinized, it shall be the duty of such justice, upon such notice as he shall deem meet, or without notice, prior to such election, to appoint and commission two legal voters of such ward who shall be of different political parties, and shall be known and designated as supervisors of election. Before entering upon the duties of their office, the said supervisors shall be duly sworn to the faithful and impartial discharge of the same. Nothing herein contained shall authorize or require the appointment of more than one set of supervisors in each ward for any election.

SECTION 2. It shall be the duty of said supervisors to attend the meeting of such ward held for such election, to challenge any vote offered by any person whose qualifications the supervisors, or either of them, shall doubt, to be and remain where the ballot-box or boxes are kept at all times after the polls are open until each and every vote cast at such time and place shall be counted, the canvass of all votes polled (be) wholly completed and the proper and requisite certificates and returns made out and the votes duly sealed up according to law, and to personally inspect and scrutinize from time to time and at all times on the day of election, the manner in which the voting is done and the way and method in which the check-lists are kept, and the manner in which the checking of the names of voters is done, and to the end that each candidate for any office voted for at such election, shall obtain the benefit of every vote cast for him, the said supervisors are required to personally scrutinize, count and canvass each and every ballot cast in such ward at such election, and in the event of a disagreement between the count and canvass of the said supervisors or either of them and the count and canvass of the ward officers of such ward, to make a full return of the result of their count and canvass, or of either of them, to the mayor and aldermen of said city forthwith. Said supervisors and officers of such ward shall not make any announcement of the result of their count of votes until after the close of the polls.

To attend meeting and to personally inspect the manner in which voting is done and check-lists are kept, &c.

SECTION 3. The said supervisors are authorized and directed, at such elections, to take, occupy and remain in such position or positions, from time to time, in the ward-room as will in their judgment, best enable them, or either of them, to see each person offering to vote, and as will best conduce to the most rigid scrutiny of the manner in

To occupy such position as will enable them to see each person who offers his vote.

which the voting is being conducted; and at the closing of the polls they are, and each of them is required, to place themselves and himself in such position in relation to the ballot-box or boxes, for the purpose of engaging in the work of canvassing the ballots, in such ballot-box or boxes contained, as will enable them or him to fully perform the duties of such canvass provided in this act, and shall there remain until every duty in respect to said canvass, certificates and returns shall have been wholly completed.

Penalty for obstructing supervisor in performance of his duty.

SECTION 4. Whoever shall do any act with the intent to intimidate, hinder or interrupt any supervisor of election in the legal performance of his duty or the exercise of his rights under this act, whether said intent is effected or not, shall be punished by imprisonment in the jail not exceeding two years, and by fine not exceeding one thousand dollars.

No statement to be made of the number of ballots cast until the close of the polls.

SECTION 5. Until the close of the polls and the public declaration of the vote at an election, no statement shall be made by any supervisor, warden, inspector or clerk, of the number of ballots cast, the number of voters present, the number of votes given for any person or for any officer, the name of any person who has voted, the name of any person which has been voted on, nor of any other fact tending to show the state of the polls.

Penalty on inspector or supervisor.

SECTION 6. Any inspector or supervisor violating the provisions of this act shall be punished by a fine of not more than one hundred dollars or imprisonment in the house of correction for twenty days.

*Approved June 12, 1873.*

### *Ch. 377.* AN ACT RELATING TO THE SALARIES OF CERTAIN STATE OFFICERS AND EMPLOYEES.

*Be enacted, &c., as follows:*

Visiting agent, state charities.

SECTION 1. The salary of the visiting agent of the board of state charities shall be at the rate of three thousand dollars per annum.

Clerks of senate and house of representatives.

SECTION 2. The salaries of the clerks of the senate and of the house of representatives shall be at the rate of three thousand dollars each per annum.

Sergeant-at-arms.

SECTION 3. The salary of the sergeant-at-arms shall be at the rate of three thousand dollars per annum.

Adjutant-general.

SECTION 4. The salary of the adjutant-general shall be at the rate of three thousand dollars per annum.



SECTION 5. The salary of the chief of the bureau of statistics on the subject of labor, shall be at the rate of three thousand dollars per annum. Bureau of statistics.

SECTION 6. The salary of the clerk of the railroad commissioners shall be at the rate of two thousand five hundred dollars per annum. Clerk railroad commissioners.

SECTION 7. The salaries of the extra clerks in the department of the auditor, shall be at the rate of fifteen hundred dollars each per annum. Clerks, auditor.

SECTION 8. The salaries of the extra clerks in the department of the secretary of the Commonwealth shall be at the rate of fifteen hundred dollars each per annum. Clerks, secretary.

SECTION 9. The salary of the messenger of the surgeon-general shall be at the rate of twelve hundred dollars per annum. The salary of the clerk of the board of agriculture shall be at the rate of twelve hundred dollars per annum. Messenger, surgeon general.

SECTION 10. The increase of salaries established by the preceding sections shall be paid from the first of January of the present year, except in cases of officers whose term of service has commenced since that time, and in such cases the increase shall be paid from the commencement of their respective terms of service. Increase of salaries to commence Jan. 1, 1873.

SECTION 11. This act shall take effect upon its passage.

*Approved June 12, 1873.*

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:— Appropriations authorized.

In the resolve, chapter forty, for fitting up the building in Pemberton Square leased by the state, and for furnishing the rooms occupied by the insurance department, and the bureau of statistics of labor, a sum not exceeding fifteen thousand dollars. Building in Pemberton Square.

In the resolve, chapter forty-one, in favor of Charles J. Cox, the sum of ninety dollars on account of state aid. Charles J. Cox.

In the resolve, chapter forty-three, in favor of the town of Groton, the sum of one hundred and seventy-four dol- Groton.

*Ch. 378.*

- lars and twenty-five cents, the same to be paid from the Massachusetts school fund.
- Normal school, Bridgewater. In the resolve, chapter forty-six, authorizing the erection of an addition to the normal school boarding-house at Bridgewater, a sum not exceeding thirty-six thousand dollars.
- Normal art school. In the resolve, chapter forty-seven, in relation to a state normal art school, a sum not exceeding seven thousand five hundred dollars.
- Publication of G. Statutes. In the resolve, chapter fifty-one, in favor of the commissioners on the publication of the General Statutes, the sum of five hundred dollars.
- Repairs state house. In the resolve, chapter fifty-two, providing for certain repairs and improvements of the state house, a sum not exceeding three thousand eight hundred and ninety-five dollars.
- Reform school, Westborough. In the resolve, chapter fifty-four, providing for repairs and improvements at the state reform school at Westborough, a sum not exceeding seven thousand five hundred dollars.
- Museum of Zoölogy. In the resolve, chapter fifty-five, in favor of the trustees of the museum of zoölogy, the sum of twenty-five thousand dollars.
- Worcester hospital. In the resolve, chapter fifty-six, in favor of the Worcester lunatic hospital, the sum of twenty-five thousand dollars.
- Boundaries of state prison lands. In the resolve, chapter fifty-seven, to provide for expenses of establishing the boundary lines of the state prison lands, a sum not exceeding five hundred dollars.
- Dukes county. In the resolve, chapter sixty, in favor of the treasury of Dukes County, a sum not exceeding eight hundred dollars.
- Fifth battery. In the resolve, chapter sixty-two, in favor of the fifth light battery, a sum not exceeding five hundred dollars.
- Henry F. Hale. In the resolve, chapter sixty-three, in favor of Henry F. Hale, the sum of four hundred and sixty dollars.
- Alfred Bradbury. In the resolve, chapter sixty-four, in favor of Alfred Bradbury, the sum of one hundred and fifty dollars.
- Teachers' institutes. In the act, chapter two hundred and ninety-two, relating to teachers' institutes, the sum of one thousand dollars, payable from the moiety of the income of the Massachusetts school fund, applicable to educational purposes.
- Militia. In the act, chapter three hundred and thirteen, concerning the militia of the Commonwealth, a sum not exceeding fourteen thousand five hundred dollars for the

transportation of troops, fifteen thousand dollars for uniforms, ten thousand dollars for quartermasters' supplies, fourteen thousand one hundred dollars for rents of armories and headquarters, two thousand two hundred dollars for printing muster and pay rolls, seven hundred dollars for printing and binding the new law, eight hundred dollars for additional clerical assistance in the department of the adjutant-general, and one thousand one hundred sixty-six dollars and sixty-seven cents for the salary of the judge-advocate-general, the same to be in addition to any appropriations heretofore made for the present year.

For the repayment of taxes, as authorized by section sixteen of chapter three hundred and fifteen of the acts of the present year, a sum not exceeding ten thousand dollars.

Repayment of taxes.

For such clerical assistance as the tax commissioner shall find necessary, a sum not exceeding six thousand dollars, and for incidental expenses, a sum not exceeding one thousand dollars, the same to be in addition to the appropriations heretofore made.

Tax commissioner.

For the incidental expenses of the adjutant-general's department, a sum not exceeding five hundred dollars, in addition to the appropriation heretofore made.

Adjutant-general.

For paging and binding the census returns of the year eighteen hundred and seventy, under the direction of the secretary of the Commonwealth, a sum not exceeding four hundred dollars.

Census returns.

For such clerical and other assistance as the treasurer may find necessary, a sum not exceeding one thousand five hundred dollars in addition to the amount heretofore appropriated.

Treasurer.

For the authorized expenses of committees of the legislature, a sum not exceeding five thousand dollars, in addition to the amounts heretofore appropriated for the present year.

Committees of legislature.

For expenses incurred in the construction and repair of roads in the town of Mashpee, agreeably to the provisions of section five of chapter two hundred and ninety-three of the acts of the year eighteen hundred and seventy, a sum not exceeding one hundred and fifty dollars, in addition to the amount heretofore appropriated.

Repair of roads in Mashpee.

For the compensation of the doorkeepers, messengers and pages of the senate and house of representatives, a

Doorkeepers, messengers and pages.

Boston, Hart-  
ford and Erie  
Railroad.

sum not exceeding seven thousand five hundred dollars, in addition to the amount heretofore appropriated.

For any expenses incurred in accordance with the provisions of chapter four of the resolves of eighteen hundred and seventy-one, relating to the rights and interests of the Commonwealth in connection with the Boston, Hartford and Erie Railroad, a sum not exceeding five thousand dollars.

Experts em-  
ployed by gov-  
ernor.

For such expenses as the governor may find necessary for the employment of experts, a sum not exceeding one thousand dollars, which shall be allowed and paid.

Visiting agent  
state charities.

For such clerical assistance as the visiting agent of the board of state charities may find necessary, a sum not exceeding eight hundred dollars in addition to the amount heretofore appropriated.

Police commis-  
sioners.

In the act, chapter three hundred and thirty-six, establishing the compensation of the police commissioners, a sum not exceeding six hundred dollars, in addition to the amount heretofore appropriated.

Printing and  
binding.

For printing and binding ordered by the senate or house of representatives or by the concurrent order of the two branches, a sum not exceeding two thousand dollars, in addition to the amount heretofore appropriated.

Clerk municipal  
court of Dor-  
chester.

In the act, chapter three hundred and sixty-three, to provide a clerk for the municipal court of the Dorchester district of the city of Boston, a sum not exceeding four hundred dollars for the salary of said clerk.

Private secre-  
tary and asst.  
messenger of  
governor.

In the act, chapter three hundred and seventy-two, establishing the salaries of the private secretary of the governor, the assistant-messenger to the governor and council, the assistant-clerk of the senate and the assistant-clerk of the house of representatives, a sum not exceeding two thousand five hundred dollars.

Asst. clerks.

Watchmen.

In the act, chapter three hundred and seventy-three, establishing the salaries of the watchmen of the state house, the sum of one thousand four hundred dollars, the same to be in addition to the amount heretofore appropriated.

Laws of extra  
session.

For the publication of the laws passed at the extra session of the legislature of eighteen hundred and seventy-two, a sum not exceeding two hundred and fifty dollars.

Salaries of  
clerks, &c.

In the act, chapter three hundred and seventy-seven establishing the salary of the visiting agent of the board of state charities, the clerk of the senate, the clerk of the

house of representatives, the sergeant-at-arms, the adjutant-general, the chief of the bureau of statistics on the subject of labor, the clerk of the railroad commissioners, the extra clerks in the auditor's department, the extra clerks in the secretary's department, the clerk of the secretary of the board of agriculture and the messenger of the surgeon-general, a sum not exceeding six thousand two hundred dollars, the same to be in addition to the appropriations heretofore made for the present year.

SECTION 2. This act shall take effect upon its passage.

*Approved June 12, 1873.*

# RESOLVES,

## GENERAL AND SPECIAL.

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**Chap. 1.** RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.

Treasurer may borrow money to meet the ordinary demands upon the treasury.

*Resolved*, That the treasurer and receiver-general be, and he hereby is, authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rates of interest as shall be found necessary; and that he repay any sum he may borrow under this resolve, as soon as money sufficient for the purpose, and not otherwise appropriated shall be received into the treasury.

*Approved January 28, 1873.*

**Chap. 2.** RESOLVE IN RELATION TO THE PROVINCIAL LAWS OF MASSACHUSETTS.

Commissioners to reprint so much of provincial laws as was destroyed by fire.

*Resolved*, That the commissioners for printing the provincial laws of the late province of Massachusetts Bay cause to be restereotyped and reprinted so much of the second volume of said provincial laws as has been destroyed in the late conflagration in the city of Boston; and that the sum of six thousand dollars is appropriated to defray the expense of the same.

*Approved February 14, 1873.*

**Chap. 3.** RESOLVE AUTHORIZING PAYMENT FOR CERTAIN EXPENSES INCURRED BY THE INSPECTORS OF THE STATE PRISON.

Allowance to inspectors of state prison for expenses.

*Resolved*, That the sum of two hundred and ninety-seven dollars and fourteen cents be allowed and paid under the direction of the inspectors of the state prison, for certain expenses incurred by them under chapter thirty-nine of the resolves of the year eighteen hundred and seventy-two.

*Approved February 14, 1873.*

RESOLVE TO PROVIDE FOR TESTIMONIALS TO CERTAIN PERSONS APPOINTED IN THE NAVY.

*Chap. 4.*

*Resolved*, That the adjutant-general deliver testimonials, provided for in the fifty-third chapter of the resolves of the year eighteen hundred and sixty-nine, to all persons who were appointed to positions in the United States navy during the rebellion, upon their producing satisfactory proof that they were residents of Massachusetts at the time of their appointment, and have been honorably discharged from service: *provided*, that the person so appointed shall have been held to service in the same manner as commissioned officers and enlisted men.

Testimonials to be delivered to certain persons in the U. S. navy.

*Approved February 17, 1873.*

RESOLVE PROVIDING FOR EXPENSES INCURRED IN THE SUPERVISION OF THE HOOSAC TUNNEL.

*Chap. 5.*

*Resolved*, That there be allowed and paid from the treasury of the Commonwealth a sum not exceeding twenty-five thousand dollars for expenses incurred for engineering and other expenses connected with the Commonwealth's supervision of the Hoosac Tunnel, and the same is hereby appropriated.

Allowance of \$25,000 for engineering expenses.

*Approved March 3, 1873.*

RESOLVES CONCERNING THE UNIVERSAL EXPOSITION AT VIENNA.

*Chap. 6.*

*Resolved*, That the governor, with the advice and consent of the council, is authorized to appoint a citizen of this Commonwealth and such associates as may be necessary, to visit the universal exposition at Vienna, to assist the contributors from this state, to examine the various industries, manufactures and economies which may be exhibited, or presented, and to report thereon to the legislature of eighteen hundred and seventy-four.

Governor to appoint agents to visit the Vienna Exposition.

*Resolved*, That there be appropriated to be paid out of the treasury such a sum, not exceeding twelve thousand dollars, as the governor and council may deem necessary to carry into effect the provisions of the foregoing resolve.

Appropriation of \$12,000 for expenses of agency.

*Resolved*, That there be appropriated to be paid out of the treasury, a sum not exceeding three thousand dollars, to be expended under the direction of the governor and council, for the purpose of aiding in the proper representation at the exposition of our system of education, and of obtaining therefrom information for the promotion of our educational interests.

Appropriation \$3,000 to aid in representing the Massachusetts system of education.

*Approved March 3 1873.*

**Chap. 7.** RESOLVE FOR THE REIMBURSEMENT OF CERTAIN TAXES OVERPAID BY INSURANCE AGENTS.

Allowance to insurance agents for over-paid taxes.

*Resolved,* That there be allowed and paid out of the treasury to William Archer, nine dollars and four cents, to John M. Daggett, nine dollars and eighty-four cents, to Easton and Milne, forty dollars and eighty-three cents, to Amos G. Hulbert, five dollars and sixty-nine cents, to S. A. Howland, thirty dollars and eight cents, to S. A. Macintire, twelve dollars and fifty-seven cents, to C. G. Stevens and Son, two dollars, to Hiram Van Campen, fourteen dollars and seventy-eight cents, to Alexander Newcomb, eleven dollars and forty-five cents, in reimbursement of taxes overpaid to the treasurer.

*Approved March 5, 1873.*

**Chap. 8.** RESOLVE PROVIDING COMPENSATION FOR LANDS USED FOR MILITARY ENCAMPMENTS DURING THE YEAR EIGHTEEN HUNDRED AND SEVENTY-TWO.

Allowance for lands occupied for military encampments.

*Resolved,* That a sum not exceeding two thousand dollars be appropriated, to be paid out of the treasury of the Commonwealth, upon vouchers certified by the adjutant-general and approved by the commander-in-chief, on account of expenses incurred for the use of lands occupied for military encampments during the year eighteen hundred and seventy-two.

*Approved March 7, 1873.*

**Chap. 9.** RESOLVE TO CONFIRM AND MAKE VALID A DEED MADE BY THE EXECUTORS NAMED IN THE WILL OF EBENEZER CRAFTS, DECEASED, AND BY A TRUSTEE UNDER SAID WILL.

Deed confirmed and made valid.

*Resolved,* For the reasons set forth in the petition of Otis H. Weed and others, that the deed made by William A. Crafts and Henry B. Brigham, named as executors in the will of Ebenezer Crafts, late of Roxbury, deceased, and by Warren Tilton, trustee under said will, to Otis H. Weed, dated April thirtieth, in the year eighteen hundred and seventy-two, and recorded in the registry of deeds for the county of Suffolk, in book eleven hundred and nine, folio one hundred and seventy-four, be, and the same hereby is confirmed and made valid.

*Approved March 8, 1873.*

**Chap. 10.**

RESOLVE IN FAVOR OF GEORGE DOWNES.

Allowance of \$24 for state aid.

*Resolved,* That there be allowed and paid out of the treasury to George Downes, the sum of twenty-four dollars, for arrears of state aid.

*Approved March 15, 1873.*



## RESOLVE TO PAY BOUNTIES TO CERTAIN AGRICULTURAL SOCIETIES.

Chap. 11.

*Resolved*, That the bounties for the year eighteen hundred and seventy-three, as provided in chapter sixty-six of the General Statutes, be allowed and paid to the Marshfield, Essex, and Hampshire, Franklin, and Hampden Agricultural Societies, in the same manner as if the certificates and returns required by said chapter had been filed and made in due time.

Bounties to be paid to certain agricultural societies.

Approved March 15, 1873.

## RESOLVE GRANTING COUNTY TAXES.

Chap. 12.

*Resolved*, That the sums placed against the names of the several counties in the following schedule are granted as a tax for each county, respectively, to be collected and applied according to law :—

County taxes.

*Barnstable*.—Fifteen thousand dollars.

*Berkshire*.—Eighty thousand dollars.

*Bristol*.—Eighty-seven thousand five hundred dollars.

*Dukes*.—Five thousand five hundred dollars.

*Essex*.—One hundred and forty thousand dollars.

*Franklin*.—Thirty-five thousand dollars.

*Hampden*.—Eighty-nine thousand nine hundred and fifty-eight dollars.

*Hampshire*.—Thirty-eight thousand dollars.

*Middlesex*.—Two hundred and ten thousand dollars.

*Norfolk*.—Ninety thousand dollars.

*Plymouth*.—Forty-five thousand dollars.

*Worcester*.—One hundred and fifty thousand dollars.

Approved March 24, 1873.

## RESOLVE IN FAVOR OF ELLA J. BUXTON.

Chap. 13.

*Resolved*, That for reasons set forth in the petition of Henry Reed, guardian of Ella J. Buxton, there be allowed and paid out of the treasury to the said guardian, for the benefit of his said ward, the sum of one hundred and seventy-five dollars, for arrears of state aid.

Allowance of \$175 for state aid.

Approved March 24, 1873.

## RESOLVE CONFIRMING CERTAIN DEEDS OF EBENEZER AND SARAH W. HALE.

Chap. 14.

*Resolved*, That the deeds of Ebenezer Hale and Sarah W. Hale to the James Steam Mills, dated August twelfth, eighteen hundred and forty-six, and recorded in the Essex registry of deeds, book three hundred and seventy-one, leaf one hundred and fifteen; and of Ebenezer Hale and Sarah W. Hale to Francis Skinner and Charles J. Brockway, dated October twenty-ninth, eighteen hundred and

Deeds confirmed and made valid.

forty-five, recorded in the Essex registry of deeds, book three hundred sixty-eight, leaf two hundred and ninety-two, are confirmed and made valid.

*Approved March 26, 1873.*

### Chap. 15.

Allowance of  
\$262 to Col.  
G. H. Johnston.

#### RESOLVE IN FAVOR OF GEORGE H. JOHNSTON.

*Resolved*, That by reason of the cost incurred by Colonel George H. Johnston, for his trial by court of inquiry, there be allowed and paid to him out of the treasury, the sum of two hundred and sixty-two dollars.

*Approved March 27, 1873.*

### Chap. 16.

Annuity of \$200  
for five years.

#### RESOLVE IN FAVOR OF TIMOTHY MURPHY.

*Resolved*, That during the period of five years from the first day of January in the year eighteen hundred and seventy-three, an annuity of two hundred dollars be allowed and paid to Timothy Murphy, in equal quarterly payments.

*Approved March 27, 1873.*

### Chap. 17.

Allowance to  
disabled sol-  
diers' employ-  
ment bureau.

#### RESOLVE IN FAVOR OF THE DISABLED SOLDIERS' EMPLOYMENT BUREAU.

*Resolved*, That there be allowed and paid out of the treasury the sum of three thousand dollars to the disabled soldiers' employment bureau.

*Approved March 27, 1873.*

### Chap. 18.

Allowance of  
\$278.20 for sup-  
port of a state  
pauper.

#### RESOLVE IN FAVOR OF THE TOWN OF WEST BOYLSTON.

*Resolved*, That there be allowed and paid out of the treasury to the town of West Boylston, the sum of two hundred and seventy-eight dollars and twenty cents, for money paid to the treasury of the state lunatic hospital at Worcester, for the support of Margaret Drinkwine, a state pauper.

*Approved March 27, 1873.*

### Chap. 19.

Allowance of  
\$10,000.

#### RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

*Resolved*, That there be allowed and paid out of the treasury the sum of ten thousand dollars to the Massachusetts Charitable Eye and Ear Infirmary, to be expended under the direction of the managers thereof, for the charitable purposes of said infirmary during the present year; and the said managers shall report to the board of state charities, as required by chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven.

*Approved March 29, 1873.*

Managers to  
report to board  
of state chari-  
ties.

RESOLVE AUTHORIZING THE SERGEANT-AT-ARMS TO LEASE A BUILDING FOR THE INSURANCE DEPARTMENT AND FOR OTHER STATE PURPOSES.

*Chap. 20.*

*Resolved*, That the sergeant-at-arms be and is hereby authorized, under the direction of the committee on the state house, and with the approval of the insurance commissioner, to lease a suitable building in Boston for the accommodation of the insurance department, and for other state purposes.

Building to be leased in Boston for state purposes.

*Approved March 31, 1873.*

RESOLVE IN FAVOR OF MYRA E. RECORD.

*Chap. 21.*

*Resolved*, That there be allowed and paid out of the treasury to the guardian of Myra E. Record, for her benefit, the sum of twenty-four dollars, and also the amount of state aid to which she would be entitled from and after January first, eighteen hundred and seventy-three, had she been born during the life of her father.

Allowance for state aid.

*Approved April 7, 1873.*

RESOLVE IN FAVOR OF HATTIE LEMLY.

*Chap. 22.*

*Resolved*, That there be allowed and paid out of the treasury to Norman Shores, guardian of Hattie Lemly of Otis, for her benefit, the sum of sixty-six dollars as state aid.

Allowance for state aid.

*Approved April 7, 1873.*

RESOLVE PROVIDING COMPENSATION FOR THE GENERAL OFFICERS OF THE MILITIA AND THEIR STAFFS.

*Chap. 23.*

*Resolved*, That a sum not exceeding one thousand and fifty dollars be appropriated, to be paid out of the treasury, upon pay-rolls certified by the adjutant-general, to the general of division and his staff and the brigadier-generals and their staffs, for services while on duty at the several encampments of the militia during the year eighteen hundred and seventy-two.

Allowance to general officers of the militia.

*Approved April 7, 1873.*

RESOLVE IN FAVOR OF THE CITY OF LAWRENCE.

*Chap. 24.*

*Resolved*, That there be allowed, and paid out of the treasury to the city of Lawrence, the sum of two hundred and fourteen dollars and twenty-six cents, for money paid to the state lunatic hospital at Worcester, for the support of Marion E. Robinson, a state pauper.

Allowance of \$214.26 for support of a state pauper.

*Approved April 14, 1873.*

RESOLVE IN FAVOR OF MURDOCH MATHESON.

*Chap. 25.*

*Resolved*, That on account of injuries sustained by Murdoch Matheson while captain of company B, of the

Allowance for injuries received while perform-

ing military  
duty.

first battalion of cavalry, there be allowed and paid to him out of the treasury, the sum of one thousand dollars.

*Approved April 14, 1873.*

**Chap. 26.** RESOLVE TO AID IN THE SUPPRESSION OF CONTAGIOUS DISEASES AMONG CATTLE.

Allowance for  
exterminating  
cattle diseases.

*Resolved,* That there be appropriated, allowed and paid out of the treasury a sum not exceeding five hundred dollars, to be expended under the direction of the cattle commissioners, for the purpose of exterminating contagious cattle diseases in the state.

*Approved April 14, 1873.*

**Chap. 27.** RESOLVE AUTHORIZING THE ATTORNEY-GENERAL TO DISCONTINUE CERTAIN LEGAL PROCEEDINGS AGAINST THE EASTERN, AND THE NORWICH AND WORCESTER RAILROAD COMPANIES.

Legal proceed-  
ings against the  
Eastern and  
Nor. and Wor.  
Railroads to be  
discontinued.

*Resolved,* That the attorney-general is authorized to discontinue the legal proceedings instituted against the Eastern Railroad Company and the Norwich and Worcester Railroad Company, under the provisions of chapter twenty-three of the resolves of the year eighteen hundred and seventy.

*Approved April 14, 1873.*

**Chap. 28.** RESOLVES IN AID OF THE STATE LIBRARY.

General Statutes  
to be supplied  
to the state  
library for ex-  
changes.

*Resolved,* That the secretary of the Commonwealth be authorized to furnish for the state library, copies of the General Statutes and supplements of the same, as they may be needed for foreign and domestic exchanges.

Allowance of  
\$300 for assist-  
ance, &c.

*Resolved,* That a sum not exceeding three hundred dollars per annum be allowed and paid out of the treasury, in addition to the amount now authorized, for assistance and incidental expenses in the state library, to be expended under the direction of the trustees and librarian.

*Approved April 16, 1873.*

**Chap. 29.** RESOLVE IN FAVOR OF THE TOWN OF HALIFAX.

Allowance of  
\$50 for armory  
rent.

*Resolved,* That there be allowed and paid out of the treasury to the town of Halifax, the sum of fifty dollars in reimbursement for rent paid by said town for an armory for company A, of the third regiment of infantry, Massachusetts volunteer militia, for the year ending December thirty-first eighteen hundred and seventy-two.

*Approved April 19, 1873.*

**Chap. 30.** RESOLVE INSTRUCTING THE BOARD OF RAILROAD COMMISSIONERS TO EXAMINE THE CROSSING OF BROADWAY, IN LAWRENCE, BY THE BOSTON AND MAINE RAILROAD, AND REPORT THEREON TO THE NEXT LEGISLATURE.

Railroad com-  
missioners to  
report to next

*Resolved,* That the petitions of A. I. Perkins and others, for change of location of the bridge of the Boston

and Maine Railroad across the Merrimac River, in Lawrence, be referred to the board of railroad commissioners, with instructions to consider and report to the next general court what change, if any, should be made in the location of said railroad in the city of Lawrence, or what change, if any, should be made in any highway in said city, for the purpose of obviating the present crossing of Broadway in said city at grade by the tracks of the said railroad corporation; and also a plan for the equitable apportionment between any railroad corporations interested, the city of Lawrence and any town in the county of Essex, of the expense of any change of grade or location either of the railroad or of any highway which in the judgment of the board may be required by considerations of public safety and convenience.

legislature concerning location of B. & M. Railroad in Lawrence.

*Approved April 19, 1873.*

RESOLVE IN FAVOR OF ASAHEL P. SQUIRES.

*Resolved*, That there be appropriated and paid to Asahel P. Squires, out of the treasury, the sum of eight hundred and forty-one dollars and fifty cents, for services rendered and expenses incurred on behalf of the Commonwealth in the arrest of the Grafton Bank robbers.

[*The foregoing Resolve having been laid before the Governor on the fourteenth of April, and not being returned by him with his objections within five days after receiving the same, as prescribed by the Constitution, became a law on the 19th of April, inst.*]

*Chap. 31.*

Allowance of \$841.50 to Asahel P. Squires.

RESOLVE IN AID OF DISCHARGED FEMALE PRISONERS.

*Resolved*, That there be allowed and paid from the treasury, under the direction of the governor, a sum not exceeding fifteen hundred dollars, for the purpose of assisting discharged female prisoners.

*Chap. 32.*

Allowance for assisting discharged female prisoners.

*Approved April 22, 1873.*

RESOLVE RELATING TO MALDEN RIVER.

*Resolved*, That the harbor commissioners inquire into the expediency and feasibility of straightening and deepening the channel of Malden River, between the head of navigation and Mystic River; and that if, in their judgment, such an improvement is advisable, they report to the next legislature, during the first week of the session, a plan for such improvement, showing the probable expense thereof and how such expense should be borne.

*Chap. 33.*

Harbor commissioners to consider expediency of straightening channel of Malden River.

*Approved April 25, 1873.*

**Chap. 34.** RESOLVE GRANTING AID TO THE TOWN OF GAY HEAD, FOR THE SUPPORT OF ITS PUBLIC SCHOOLS.

Allowance to  
Gay Head for  
support of pub-  
lic schools.

*Resolved*, That there be allowed and paid out of the treasury to the town of Gay Head, for the support of its public schools, the sum of one hundred dollars, the same to be charged to the moiety of the income of the school fund, applicable to the support of schools for the present year.

*Approved April 25, 1873.*

**Chap. 35.**

## RESOLVE IN FAVOR OF EDWARD J. JONES.

Allowance of  
\$110.25 to Ed-  
ward J. Jones.

*Resolved*, That there be allowed and paid to Edward J. Jones, late constable of the Commonwealth, the sum of one hundred and ten dollars and twenty-five cents, for costs and damages paid by him in a suit brought for the irregular seizure, by his deputies, of alleged obscene papers.

*Approved May 2, 1873.*

**Chap. 36.**

## RESOLVE IN FAVOR OF RUSSELL GRAY.

Allowance of  
\$200 to Russell  
Gray.

*Resolved*, That there be allowed and paid out of the treasury to Russell Gray the sum of two hundred dollars, for services in preparing a consolidation of the general laws concerning railroads.

*Approved May 2, 1873.*

**Chap. 37.**

## RESOLVE TO AUTHORIZE THE COUNTY COMMISSIONERS FOR THE COUNTY OF ESSEX TO BORROW MONEY.

County commis-  
sioners of Essex  
may borrow  
money.

*Resolved*, That the county commissioners for the county of Essex are authorized to borrow, on the credit of said county, a sum not exceeding fifty thousand dollars, to be expended in building an addition to the Lawrence house of correction and jail, at Lawrence in said county.

*Approved May 2, 1873.*

**Chap. 38.**

## RESOLVE IN FAVOR OF THE STATE LUNATIC HOSPITAL AT TAUNTON.

Allowance of  
\$125,000 for  
enlarging Taun-  
ton Lunatic  
Hospital.

*Resolved*, That there be allowed and paid out of the treasury, a sum not exceeding one hundred and twenty-five thousand dollars, to be expended under the direction of the trustees of the Taunton Lunatic Hospital, for the purpose of enlarging the hospital and for other necessary repairs.

*Approved May 2, 1873.*

**Chap. 39.**

## RESOLVE IN FAVOR OF AMOS CUMMINGS.

Allowance of  
\$137.50 to Amos  
Cummings.

*Resolved*, That there be allowed and paid out of the treasury, to Amos Cummings of Boston, the sum of one hundred and thirty-seven dollars and fifty cents, in full compensation for attendance at a court-martial and for expenses incurred in the payment of witness fees.

*Approved May 6, 1873.*

RESOLVE PROVIDING FOR THE EXPENSE OF REFITTING A BUILDING  
IN PEMBERTON SQUARE.

Chap. 40.

*Resolved*, That there be allowed and paid out of the treasury a sum not exceeding fifteen thousand dollars, to be expended by the sergeant-at-arms under the direction and with the approval of the commissioners on the state house for the purpose of defraying the expenses of altering, fitting up and furnishing the building on Pemberton Square, in Boston, recently leased by the state and numbered thirty-three. *Approved May 12, 1873.*

Allowance of  
\$15,000 for re-  
fitting building  
leased by the  
state.

## RESOLVE IN FAVOR OF CHARLES J. COX.

Chap. 41.

*Resolved*, That there be allowed and paid out of the treasury, to Charles J. Cox of Duxbury, the sum of ninety dollars for state aid. And that on and after the first day of April, in the year eighteen hundred and seventy-three, the said Charles J. Cox shall be taken and deemed to be entitled to receive the same amount of state aid that he would be entitled to, if in receipt of a pension of eight dollars per month. *Approved May 12, 1873.*

Allowance for  
state aid.

## RESOLVE IN FAVOR OF ABNER J. PIERCE.

Chap. 42.

*Resolved*, That there be allowed and paid out of the treasury, to the guardian of Abner J. Pierce, for his benefit, the amount of state aid to which he would have been entitled from and after February first, eighteen hundred and seventy-three, had he been born during the life of his father. *Approved May 12, 1873.*

Allowance for  
state aid.

## RESOLVE IN FAVOR OF THE TOWN OF GROTON.

Chap. 43.

*Resolved*, That the town of Groton be relieved from the obligation of maintaining a high school until its liability thereto shall be determined by the next public census or by other provisions of law; and that said town be paid out of the treasury its share of the income of the Massachusetts school fund for the year ending in eighteen hundred and seventy-two. *Approved May 12, 1873.*

Relieved from  
maintaining a  
high school.

## RESOLVE IN FAVOR OF THE TOWN OF BELCHERTOWN.

Chap. 44.

*Resolved*, That there be allowed and paid out of the treasury, to the town of Belchertown, for the relief of John H. Eaton, alleged to be a state pauper, whose wife has a legal settlement in this Commonwealth, during the period of his disability, a sum not exceeding the weekly rate paid to the several cities and towns under the second section of the two hundred and thirty-fourth chapter of

Allowance for  
relief of an  
alleged state  
pauper.

the acts of eighteen hundred and sixty-six, and the alleged facts shall be verified and the account of said town for said Eaton shall be audited under the direction of the board of state charities.

*Approved May 12, 1873.*

**Chap. 45.** RESOLVE PROVIDING FOR THE CODIFICATION OF THE GENERAL LAWS RELATING TO INSURANCE AND FOR OTHER PURPOSES

Insurance commissioner to prepare codification of general laws relating to insurance, &c.

*Resolved*, That the insurance commissioner is directed to prepare a codification of the general laws relating to insurance and insurance companies; also to investigate the subject of the feasibility of any system of state or municipal insurance, and of the necessity of any change in the existing system; and to report in print to the next general court on or before the second Wednesday of January, eighteen hundred and seventy-four.

*Approved May 12, 1873.*

**Chap. 46.** RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOL AT BRIDGEWATER.

Allowance for erection of addition to boarding-house at normal school at Bridgewater.

*Resolved*, That there be allowed and paid out of the treasury, a sum not exceeding thirty-six thousand dollars for the erection of an addition to the boarding-house at the state normal school, at Bridgewater, to be expended under the direction of the board of education.

*Approved May 12, 1873.*

**Chap. 47.** RESOLVE IN RELATION TO A STATE NORMAL ART-SCHOOL.

Allowance for expenses of a state normal art school.

*Resolved*, That there be allowed and paid out of the treasury, the sum of seventy-five hundred dollars for the expenses of a state normal art-school, the same to be expended under the direction of the board of education.

*Approved May 14, 1873.*

**Chap. 48.** RESOLVES IN FAVOR OF WALTER AND FRANCIS SHANLY.

Certificate of conditional indebtedness to be issued to contractors for constructing Hoosac Tunnel.

*Resolved*, That the governor and council be authorized to issue and deliver to Walter Shanly and Francis Shanly, contractors for the work of constructing the Hoosac Tunnel, certificates of conditional indebtedness for the sum of two hundred thousand dollars, payable to the Messrs. Shanly or order, but to be made payable only upon the final completion of the contract and acceptance of the work by the governor and council; said certificates to be delivered only on the surrender of the two hundred thousand dollars of certificates of conditional indebtedness heretofore delivered to the Messrs. Shanly.

*Resolved*, That the sum of two hundred thousand dollars represented by said certificates shall be reserved and

Amount to be reserved until the completion of the contract.



retained in the treasury of the Commonwealth, and an additional sum of one hundred and fifty thousand dollars until the final completion of the said contract and acceptance of the work by the governor and council; and that, subject to the said reservation, the full amounts already earned or hereafter to be earned by the Messrs. Shanly shall be paid over to them. But interest at the rate of five per cent. per annum shall be charged to and accounted for by the Messrs. Shanly, at the completion of the contract, upon all sums received by them under this resolve, in anticipation of the time when the same would have been received by the terms of the original contract.

*Resolved*, That the mortgage heretofore given to the Commonwealth by the Messrs. Shanly upon their tools and machinery, under the provisions of chapter forty-seven of the resolves of eighteen hundred and seventy-two, to secure the sum of one hundred thousand dollars, be released and discharged by the treasurer of the Commonwealth.

Mortgage upon tools, &c., to be discharged.

*Approved May 16, 1873.*

RESOLVE DIRECTING THE RAILROAD COMMISSIONERS TO REPORT TO THE NEXT GENERAL COURT A CODIFICATION OF THE RAILROAD LAWS.

*Chap. 49.*

*Resolved*, That the board of railroad commissioners present to the next legislature, during the first week of the session, a bill for the codification of the general laws relating to railroads.

Bill for codification of railroad laws to be presented to next legislature.

*Approved May 23, 1873.*

RESOLVE AUTHORIZING THE TRUSTEES OF THE STATE LUNATIC HOSPITAL AT NORTHAMPTON TO EXCHANGE CERTAIN LANDS.

*Chap. 50.*

*Resolved*, That the trustees of the state lunatic hospital at Northampton are authorized to exchange certain lands, not exceeding one acre, for two small tracts now owned by Messrs. Wright and Rust.

May exchange certain lands.

*Approved May 23, 1873.*

RESOLVE IN FAVOR OF THE COMMISSIONERS ON THE PUBLICATION OF THE GENERAL STATUTES.

*Chap. 51.*

*Resolved*, That there be allowed and paid to the commissioners on the publication of the General Statutes appointed by chapter one hundred and forty of the resolves of the year eighteen hundred and fifty-nine, the sum of five hundred dollars for their services under chapter seventy of the resolves of the year eighteen hundred and seventy-two, in the preparation and printing of the new edition of the General Statutes and supplements thereto, in addition to the amount named in the last mentioned resolve.

Allowance to commissioners on publication of the General Statutes.

*Approved May 23, 1873.*

**Chap. 52.** RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS OF THE STATE HOUSE.

Repairs and improvements of state house.

*Resolved*, That there be allowed and paid out of the treasury a sum not exceeding three thousand eight hundred and ninety-five dollars, for repairs and improvements of the state house, to be expended by the sergeant-at-arms, under the direction and with the approval of the commissioners on the state house. *Approved May 29, 1873.*

**Chap. 53.** RESOLVE IN RELATION TO THE BUREAU OF STATISTICS OF LABOR.

Need not have headquarters at state house.

*Resolved*, That so much of chapter one hundred and two of the resolves of the year eighteen hundred and sixty-nine as requires the bureau of statistics on the subject of labor to have its headquarters in the state house, is repealed. *Approved May 29, 1873.*

**Chap. 54.** RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS IN THE STATE REFORM SCHOOL.

Repairs and improvements at state reform school at Westborough.

*Resolved*, That there be allowed and paid out of the treasury for the purpose of making repairs and improvements, introducing trades, and employing additional assistance in the state reform school at Westborough, the sum of seven thousand five hundred dollars, to be expended under the direction of the board of trustees and the superintendent; said appropriation to be payable upon properly approved vouchers filed with the auditor.

*Approved June 2, 1873.*

**Chap. 55.** RESOLVE IN FAVOR OF THE TRUSTEES OF THE MUSEUM OF COMPARATIVE ZOOLOGY.

Conditional allowance for Museum of Comparative Zoölogy.

*Resolved*, That there be allowed and paid from the treasury to the trustees of the Museum of Comparative Zoölogy the sum of twenty-five thousand dollars to be expended under the direction of the trustees of said institution for the purposes thereof: *provided*, that all colleges and schools in this Commonwealth shall have equal right to the enjoyment of the privileges and facilities of said museum; and *provided, also*, that said museum shall have realized during the current year a like sum from private donations; a sworn certificate of which shall be deposited with the auditor before said sum of twenty-five thousand dollars is paid from the treasury.

*Approved June 4, 1873.*

**Chap. 56.** RESOLVE IN FAVOR OF THE WORCESTER LUNATIC HOSPITAL.

Allowance of \$25,000 for Worcester Lunatic Hospital.

*Resolved*, That the sum of twenty-five thousand dollars be allowed and paid out of the treasury to the trustees of

the Worcester Lunatic Hospital, in order to carry out the purposes named in chapter seventy-nine of the resolves of eighteen hundred and seventy-one.

*Approved June 4, 1873.*

RESOLVE TO PROVIDE FOR THE PAYMENT OF EXPENSES UNDER THE ACT TO PROVIDE FOR ESTABLISHING THE BOUNDARY LINES OF THE STATE PRISON LANDS.

*Chap. 57.*

*Resolved,* That the sum of five hundred dollars be allowed and paid from the treasury, upon the order of the governor, to defray the expense of surveys, examination of titles, and the Commonwealth's share of expenses, under the act to provide for establishing the boundary lines of the state prison lands, approved May fifteenth, eighteen hundred and seventy-one.

Allowance for establishing boundary lines of state prison lands.

*Approved June 6, 1873.*

RESOLVE TO AUTHORIZE THE TRANSFER OF CERTAIN BOOKS AND PAPERS TO THE STATE OF MAINE.

*Chap. 58.*

*Resolved,* That the commissioners of public lands be authorized to transfer, with the approval of the governor, to the land agent of the state of Maine, on his application therefor, such of the books, plans, field-notes, and other archives of Maine lands, now in their office, as in their opinion can be so transferred without detriment to the interests of this Commonwealth.

Books and papers of Maine lands to be transferred to land agent of Maine.

*Approved June 6, 1873.*

RESOLVE RELATIVE TO PRINTING ADDITIONAL COPIES OF THE REPORT OF THE STATE BOARD OF AGRICULTURE.

*Chap. 59.*

*Resolved,* That hereafter the secretary of the board of agriculture cause two thousand additional copies of the report of said board, to be printed for the use of the legislature.

Two thousand additional copies to be printed for legislature.

*Approved June 6, 1873.*

RESOLVE TO REIMBURSE THE TREASURY OF DUKES COUNTY.

*Chap. 60.*

*Resolved,* That there be allowed and paid out of the treasury, for the purpose of reimbursing the treasury of Dukes County, such sum not exceeding eight hundred dollars, as it shall appear said county has expended in addition to the sum of five thousand dollars appropriated by the fifth section of chapter two hundred and thirteen, of the acts of the year eighteen hundred and seventy, for the purpose of laying out and constructing a road from the line of Chilmark and Gay Head to the light-house on Gay Head.

Allowance of \$800 to reimburse treasury of Dukes county.

*Approved June 10, 1873.*

**Chap. 61.** RESOLVE ASSIGNING ROOMS FOR THE STATE NORMAL ART SCHOOL.

Rooms for State  
Normal Art  
School.

*Resolved*, That the sergeant-at-arms with the consent and approval of the commissioners on the state house be authorized to assign the rooms on the third floor of the house number thirty-three Pemberton Square, to the board of education for the use of the State Normal Art School.

*Approved June 11, 1873.*

**Chap. 62.** RESOLVE TO SUPPLY THE FIFTH LIGHT BATTERY WITH A SAFE AND SERVICEABLE ARMAMENT.

Fifth battery to  
be furnished  
with two addi-  
tional guns.

*Resolved*, That the adjutant-general of the Commonwealth be instructed to furnish the fifth light battery of the third brigade of the militia with two additional ten-pounder parrott guns, in place of the unserviceable six-pounder bronze guns, now in their possession, at a cost not to exceed five hundred dollars. The adjutant-general is instructed to cause said unserviceable six-pounder bronze guns to be broken up and sold.

*Approved June 11, 1873.*

**Chap. 63.** RESOLVE IN FAVOR OF HENRY F. HALE.

Allowance for  
injuries received  
while perform-  
ing military  
duty.

*Resolved*, That there be allowed and paid out of the treasury to Henry F. Hale the sum of three hundred dollars, to defray the necessary expenses incurred in consequence of the loss of an arm, which occurred while in the discharge of his duty as a member of the fourth battery of light artillery; and that from and after the first day of July of the present year there be allowed and paid to him the sum of twenty dollars per month.

*Approved June 11, 1873.*

**Chap. 64.** RESOLVE IN FAVOR OF ALFRED BRADBURY.

Allowance for  
injuries received  
while perform-  
ing military  
duty.

*Resolved*, That there be allowed and paid out of the treasury to Alfred Bradbury the sum of one hundred and fifty dollars, to defray the necessary expenses incurred in consequence of and in compensation for the loss of a thumb, which occurred while in the discharge of his duty as a member of the fourth light battery.

*Approved June 11, 1873.*

**Chap. 65.** RESOLVE TO AUTHORIZE CERTAIN EXPENDITURES IN CONNECTION WITH THE BUILDING IN PEMBERTON SQUARE, LEASED BY THE STATE.

Allowance for  
fitting up a  
building for use  
of state police.

*Resolved*, That the commissioners on the state house be authorized to expend a sum not exceeding five thousand dollars, in fitting up the basement of the building numbered thirty-three, Pemberton Square, for the use of

the state police; and a further sum not exceeding one thousand six hundred and eighty-seven dollars, for incidental expenses, fuel and lights, janitor, and water rates in connection with said building, and said sums are hereby appropriated.

*Approved June 12, 1873.*

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RESOLVE RELATIVE TO THE BUREAU OF STATISTICS OF LABOR.

*Resolved*, That in addition to the sum of five thousand dollars heretofore appropriated for the purposes of expenses and clerical services of the bureau of statistics of labor, there be allowed and paid out of the treasury the further sum of twenty-five hundred dollars, which sum is hereby appropriated.

*Approved June 12, 1873.*

*Chap. 66.*

Allowance for  
expenses and  
clerical services.

The General Court of 1873 passed three hundred and seventy-eight Acts, and sixty-six Resolves, which received the approval of the Governor. In addition to these, "An Act in relation to the Lee and New Haven Railroad Company" was laid before the Governor for his approval, and was returned by him to the House, in which body it originated, with his objections thereto; and being put upon its final passage, in the manner provided by the Constitution, two-thirds of the members present and voting thereon having failed to "agree to pass the same" it was declared lost, and thereby without force and effect. A "Resolve in favor of Asahel P. Squires" was laid before the Governor, and having failed of his approval, and not having been returned within five days after receiving the same, the legislature not having adjourned in the meantime, said Resolve acquired the force of law, and has been so certified.

The Acts may be classified as follows: General Statutes, or Acts of a public character, TWO HUNDRED AND NINETEEN; Special Acts relating to private property, persons and corporate bodies, ONE HUNDRED AND FIFTY-NINE.

The Legislature was prorogued on Thursday, June 12, the session having occupied one hundred and sixty-three days.

# INAUGURAL ADDRESS

OF

HIS EXCELLENCY WILLIAM B. WASHBURN.

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At twelve o'clock on Thursday, the second day of January, His Excellency the Governor, accompanied by his Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives, in Convention, and delivered the following

## ADDRESS.

*Gentlemen of the Senate and of  
the House of Representatives:*

In accordance with the will of the people, we have assembled here to assume the duties of the executive and legislative branches of the government of the Commonwealth for the current year. As we stand upon the threshold of this new epoch, with gratitude in our hearts for the abundant mercies of the past, let us look to Him, the source of all power, for wisdom and courage to meet the responsibilities of the future, and dedicate ourselves in all sincerity to resolute and vigilant faithfulness in the tasks set for our performance.

## SUMMARY OF FINANCE.

While disaster has seriously, though temporarily, crippled and embarrassed many of the industrial and commercial interests of the Commonwealth, her public finances exhibit gratifying evidence of thrift and security. Under the wise and provident policy of the State,—creating ample sinking funds for the liquidation of every maturing

instalment of the public debt,—more than three millions of the funded liabilities have been extinguished during the past year, without recourse to ordinary revenue, taxation or temporary loans. The amount thus retired included upwards of two and a half millions of the Massachusetts 5-20 War Fund Loan not absolutely maturing till 1886, but which the surplus accumulation of the sinking fund established for its payment rendered it advisable to anticipate. With an addition of more than a million to the Troy and Greenfield Railroad and Hoosac Tunnel Loan, by a further issue of scrip on that account, there still remains a net reduction of the funded debt of the Commonwealth amounting to nearly two millions of dollars. The appended statement exhibits the transactions of the year in this connection :—

Funded debt, January 1, 1872, . . . \$29,629,364 00

Amounts liquidated during the year :—

Massachusetts War Fund		
loan, . . . . .	\$2,551,500 00	
Union Fund loan, 1861, . . . . .	363,700 00	
State Almshouse loan, . . . . .	100,000 00	
Loan of 1861 (funding debt), . . . . .	100,000 00	
	<hr/>	3,115,200 00
Balance remaining, . . . . .		\$26,514,164 00
Added during the year on account of the		
Troy and Greenfield Railroad and		
Hoosac Tunnel loan, . . . . .		1,178,540 00
		<hr/>
Total, . . . . .		\$27,692,704 00

With these changes, the existing debt, all of which is funded, may be thus classified :—

Railroad loans, . . . . .	\$13,303,016 00	
War loans, . . . . .	13,519,688 00	
Ordinary loans, . . . . .	870,000 00	
Funded debt, . . . . .	<hr/>	\$27,692,704 00



The only unfunded liabilities remaining consist of small sums, for the payment of which the treasury is amply provided.

With the extinguishment in 1872 of the last instalment of the loan of 1861 for funding the public debt, there remain now no funded liabilities for the payment of which the State has not provided a sinking fund; and any deficit likely to occur in one or two of these funds can be easily supplied, either by transfer of surplus accumulations, or from other available resources.

During the present year \$425,000 more of the funded debt will reach maturity, viz. : of the Union Fund Loan, \$300,000; State House Enlargement Loan, \$65,000; and Almshouse Loan, \$60,000,—all of which will be paid from their several sinking funds.

### *The Finances of 1873.*

Accepting the results of the past year as a basis of judgment for the present, the ordinary revenues of the State may be estimated at . . . . .	\$2,300,000 00
Adding to this sum the unexpended cash on the same account, will put the treasury in possession of something like . . . . .	\$2,900,000 00
The ordinary expenses of the year, estimated upon present information, can scarcely be less than . . . . .	\$4,420,000 00

With the material reduction of ordinary revenues under the repealing legislation of 1872, the amount necessary to be raised by a state tax may not be less than two millions of dollars, exclusive of any provision for temporary emergencies or special grants by the present legislature.

### THE TUNNEL AND ITS CONNECTIONS.

The opening of the Hoosac Tunnel from the eastern portal to the central shaft, which event, as you are already aware, took place on the twelfth ultimo, with scarcely an appreciable difference in the working lines from the two faces, must have demonstrated the entire practicability of this great enterprise to the most sceptical mind.

The unprecedented flow of water from the heading west

of the central shaft, obliged the contractors to discontinue work at that point some six months ago. The completion of the connection eastward affords natural drainage, and they will soon be relieved from delay or expense on that account. In a few months the tunnel will be finished to the shaft from the eastern portal, and thenceforward the work will be confined to two faces. Between the shaft and the western portal there now remains about 3,125 feet of rock to penetrate, and through this the contractors, who have prosecuted their labors during the season with commendable diligence, expect to have an opening some time before the end of the present year. In order to present the tunnel in a completed state at the expiration of the contract, it will be necessary to push forward every branch of the work with the utmost energy.

Under chapter 47, Resolves of 1872, there has been advanced to the Messrs. Shanly since the adjournment of the last legislature, the sum of \$100,000 from the reserve fund, to secure the payment of which a mortgage of their tools and machinery was taken. There has also, under the second clause of said Resolve, been issued to them certificates of indebtedness to the amount of \$200,000, payable without interest on the completion and acceptance of the tunnel.

The Commonwealth should immediately prepare itself to reap every legitimate benefit to which it will be entitled upon the consummation of this vast undertaking. By means of the tunnel our chief city may not only be brought into shorter and more direct communication with the great lakes of the West, but through this channel Chicago will be brought nearer to the tide-water of our own State than it now is to New York city. In this view of the matter, the interests at stake are of such consequence that they cannot properly be remitted to a careless or secondary consideration.

While the tunnel proper has been well constructed, the road thereto from Greenfield, like all others of which the engineer and contractor are one and the same person, is wholly unfit for any considerable traffic. Built for a temporary purpose, and in the cheapest possible manner, the necessities of the immediate future require an improvement of the grade at many points, a straightening of the location at others, a protection of the embankments, an enlargement and a strengthening of the bridges and cul-

verts, and a general renewal of the road-bed and superstructure. Furthermore, a considerable expenditure must soon be made upon the Fitchburg and the Vermont and Massachusetts roads if we would avail ourselves of the opportunities to be afforded by the tunnel. In the location of the Vermont and Massachusetts changes are required to shorten the distance, improve the grade, and lessen the number of bridges, while the road-bed and superstructure must be in great part renewed, and a double track laid for the whole or a portion of its length. Without commenting on the general management of the Fitchburg road, it must be said that its equipment is not equal to the necessities of a greatly increased business; its facilities need to be multiplied at least fourfold, by the construction of several first-class grain elevators, and the adoption of various approved appliances for receiving and handling freight.

What shall be done to secure the requisite improvements on these several roads, so that the Commonwealth may obtain the business naturally coming to the seaboard by way of the tunnel, is one of the most important questions now waiting legislative answer. Properly managed, this line from Boston to the State's western frontier will be one of the best investments ever made. I am fully persuaded it cannot be operated to the satisfaction of the public while in the hands of several separate organizations. To secure efficiency of action and direct responsibility, the entire route must be brought under the immediate control of one body, and be operated by one head. And in my judgment the necessary improvements are more likely to be made in a proper manner by one authority working for the general interest, than by several working each for its own specific interest. I am in favor, therefore, of the early consolidation of these roads so that they may be operated and managed as a single line.

I very well know that serious objections to such a combination exist in many minds. There is a fear that the railway interest, already so powerful that it frequently exercises an injurious influence upon legislation, will be rendered even more dangerous by such a union. But the practical question in this exigency is simply whether one corporation will be more or less dangerous to the public welfare than three or four. It seems to me that there will be greater difficulty in contending with several organ-

izations, each proud of its independence, but ready to shirk its responsibility, and swift to combine with the others to carry any desired measure, than with one controlled by a single head which can be made accountable to the people and the legislature for its acts. And no one at this day doubts that an unbroken line is more efficiently managed by one corporation than by several. Looking at the problem from every point of view, and carefully weighing all the advantages and disadvantages of either solution, I am decided in the conviction that the tunnel route should be consolidated at the earliest practicable day.

In providing for this consolidation, as in chartering any new line, the Commonwealth does not abdicate its supreme authority in the premises. The corporation will be but the servant of the State, entrusted with certain powers to be used for the public good. If at any time it becomes false to its trust, and uses those powers for private and selfish ends to the detriment of the general welfare, it will be the duty of the State to resume its own.

I trust your honorable bodies may be able to frame an equitable Act of Consolidation which will be accepted by the roads interested in good faith. Should either of them refuse to accept the legislative terms proposed after careful consideration of the whole issue, much as I should regret the necessity for such a procedure, the interests of the State are so manifold and imperative that I see nothing for her to do but take the matter into her own hands,—the end of paramount importance being to put the entire line in readiness as soon as possible for the great work coming to it with the completion of the tunnel.

As the funds for building the tunnel are drawn from the public treasury, we must take care that the line using it does not become a monopoly. Provision should be made in the act of consolidation for harmonious relations with connecting and neighboring lines. Every other road in the State so desiring to do should be allowed to intersect the through line and receive and discharge freight and passengers on a fair and an equitable basis, that it in turn may be enabled to deliver to the dwellers along its route a portion of the benefits of this new avenue for commerce and transportation. With the proposed consolidation effected, and these distributing agencies made possible, I doubt not we shall speedily find the tunnel route a favorite with shippers and travellers, and a great source of revenue and advantage to our people.

## THE GENERAL RAILROAD LAW.

So far as I can learn, the general railroad Act passed last spring has fully realized the hopes of its friends. While on the one hand no company has organized under it, on the other hand it has not prevented the building of any road deemed necessary by the community. It retards no legitimate enterprise, has been of salutary influence upon existing roads, and works injury to no section of the Commonwealth. It has received the approval of the public, is recognized as an important step in the right direction, and responds to the growing conviction among the people that legislation, as far as practicable, should seek the benefit of the many rather than of the few.

Doubtless special Acts will be sought at your hands to secure special advantages ; but these must be denied if the vitality of the general Act is to be maintained. Should privileges or restrictions not embraced in that law be requested, you may wisely consider whether the statute is not open to amendment without detriment to its general application.

Your predecessors, impressed with the danger of railway crossings at grade, and convinced that such crossings might mostly be avoided with little additional expense, declared against them in the general law. This provision, though having a commendable end in view, seems to me of doubtful wisdom. Under our broad system of railroad network, instances will occur where it is all but impossible to avoid such crossings, and where there would be little danger therefrom. It does not appear to be a legislative function to determine when such an exigency has arisen. The question is simply one of fact, to be settled by personal inspection, eminently requiring personal responsibility ; and, in my opinion, the determination of the issue should be entrusted to a tribunal that can pass upon the exigency at any time. I therefore suggest the propriety of an amendment, authorizing the railroad commissioners to permit such crossings when in their judgment the public interest so requires.

## THE LABOR BUREAU.

Three annual reports by the Bureau of Labor Statistics have been laid before the public, and the fourth will be

submitted to you in due time. Those who were most instrumental in the creation of this bureau generally admit that it has not fulfilled their expectations. Nearly every branch of the labor movement has openly and decidedly expressed dissatisfaction with its methods and its results, and I am not aware that capitalists and employers have expressed any particular gratification therewith. What course shall be pursued in reference to this department, is a question that challenges your careful and thoughtful deliberation.

While it may be confessed that the investigations of the bureau have not been so thorough and complete as to commend its conclusions to universal assent, it must be borne in mind that its reports contain our only official statements on the subjects of which they treat, and have been printed and circulated by public authority. They are referred to now, and will be referred to hereafter, by those seeking information as to the social condition of Massachusetts. They have been cited, and will again be cited, in the debates of Congress upon measures proposed for the protection and enlargement of our industries, as showing how the benefits of such protection are distributed. If they give a false or partial picture of the relations of labor to capital in our Commonwealth, the remedy for complaint on this head must be sought, not in discontinuing the investigation upon which we have entered, but in lifting it to higher and broader level, making it more thorough, and conducting it with larger aims.

Whether a laborer can accomplish as much in one hour as he can in two, whether the machinery in a well-managed factory can turn out as many yards of cloth in eight hours as in ten—these problems the Massachusetts Yankee may safely be left to solve for himself without official aid or prompting. But we ought approximately to know, for instance, how many grown persons there are in the State, not prevented from labor by vice, indolence or physical infirmity, who cannot procure comfortable homes for themselves and their dependents, fair education for their children, adequate provision for sickness and old age, and sufficient leisure for the comprehension and discharge of the duties of citizenship. The incapacity to procure this is poverty. We ought to know whether the proportion of such persons is increasing or diminishing,—whether our legislation hastens or can be made to hasten the de-

crease or counteract the increase. If there is carried on in the State any business so unremunerative that it will not permit the employers to pay those employed such wages as are necessary to keep them from poverty, however desirable that business may be, it ought to cease. And surely we ought to know, if it be possible to ascertain, whether there are really among us employers who are laying up great riches for themselves by keeping their employés in a condition of impoverished dependence.

In order to secure statistical information on these and other related issues, different instrumentalities from those now in use will be required. A schedule should be carefully prepared by the legislature, with the aid of competent assistance, indicating the facts desired from every city and town in the Commonwealth. In the small towns these facts might be gathered by the assessors; in the larger towns under the direction and superintendence of the selectmen; and in the cities, by wards, through appointees of the mayor and aldermen. Special returns should also be required from all the savings banks and such other institutions as can throw light on the general inquiry. Statistics from a few scattered points or isolated establishments will not suffice; they must be comprehensive, or the conclusions founded on them will be valueless and misleading.

There may be objections to the plan thus suggested for solving the difficulty in which we now find ourselves. If your honorable bodies will present a better one I shall be most happy to join you in its adoption. But in my judgment, neither the well-being of our people nor the good name of our State will permit us to rest in non-action. The relations of capital and labor, of employer and employés,—these are issues that will not down at any man's bidding. The questions they present are among the gravest and most vital of the time; they cannot be thrust aside; they will be heard; they must be discussed; they justly insist upon a practical answer.

#### THE STATE PRISON.

By a Resolve of the last General Court the Inspectors of the State Prison were required to submit to you a special report concerning that institution—embodying facts, figures and opinions as to the practicability of

enlarging and improving the buildings now occupied, and as to the policy of selling the property in Charlestown and putting up a new prison at another point. In obeying this order of the legislature the inspectors have incurred a slight necessary expense, for the payment of which I cannot doubt you will cheerfully make provision. Their report is to be submitted at an early date. The question which it will present for your consideration is one of great importance, and I ask you to give to its determination your best judgment and calmest forethought.

Society rightfully demands the restraint and correction of criminals. Its welfare is imperilled by attempts to shield the violators of law from merited doom. The certainty of punishment is one of the guarantees of safety. But we by no means discharge our full duty when we enact laws for the punishment of offenders and provide a place for their confinement. Even in their worst state they are men with necessities and possibilities for which we must have regard. We are ourselves guilty of inhumanity if we wilfully neglect what is requisite to their health while restrained of freedom. And we ought always to keep their reformation before our minds as an object of hope and purpose. As a means to the first of these ends, we must have light, ventilation, good drainage, and other conditions on which physical vigor depends. As an essential to success in reformatory endeavor, we must, in my judgment, have a classification of prisoners and a graded system of government.

Whether any reasonable expenditure on the existing State Prison will make it such an institution as becomes this Commonwealth, is the question first to be considered. The inspectors, after careful examination, are of the opinion that an appropriation of not less than \$150,000 will be required for necessary changes and repairs. Considerable improvements of one kind or another might undoubtedly be made by a judicious use of this amount. But the plan of the establishment is so radically at fault, that its culinary affairs must always be carried on at a great disadvantage. The ventilation of the building is very imperfect, and its deficiencies in this regard can be no more than partially remedied. Moreover, the drainage of the site is wholly inadequate, and the tide-water rises to a point so nearly on a level with the floors of the building, that it is impossible to secure the necessary



outflow. There is an alarming prevalence of pulmonary disease in the institution, and the number of fatal cases of illness is much greater than formerly. And the gravest objection of all that may be urged against this building is, that no proper classification of prisoners can be made within its walls. The warden performs his difficult duties with vigor and discretion, but the situation is such that he can do only a small part of what it is desired to accomplish.

The inspectors fix the value of the present prison property at about \$800,000. They will submit a plan, in general outline, for a new prison, with the figures of an architect as to its probable cost. From these data, with an allowance for land, depending on quantity and location, a fair estimate can be formed of the necessary expense that will ensue upon a determination to abandon what we now have and establish the prison elsewhere. Figures, however, constitute but one of the elements in the problem to be solved, and the fact that it will cost somewhat more to build on another site than to enlarge and repair on the present, cannot be a very weighty argument against the proposed policy if the faults and deficiencies of the existing prison are without remedy.

While of the opinion that the site now occupied is unfit for the purpose, I still deem it advisable that our State Prison should be located in the neighborhood of our chief city, from which a majority of its inmates come. It should be placed in a healthy situation, upon dry soil, where perfect drainage will be possible, and, for the convenience of officials and those humanely interested in the welfare of prisoners, on the line of a good double-track railroad. Connected with it should be twenty-five or thirty acres of land, affording room for large and well-ventilated workshops, and furnishing out-door occupation for prisoners at such times as health requires open-air exercise. Of course the buildings should be of the most approved plan in every respect, with capacity equal to probable future demands as well as those of the present time.

In the Charlestown institution proper separation of prisoners cannot possibly be made. The young man of a single crime, for which the charitable heart may perhaps find more or less extenuation, is necessarily confined in immediate proximity to the most hardened and hopeless

criminals. All his surroundings minister to evil tendencies; the associations of the corridor and workshop are contaminating; the very atmosphere he breathes every day of his confinement is polluted. Thus condemned to contact and fellowship with vice, his mental and moral condition on leaving prison is too often worse than when he entered. Surely the Commonwealth cannot permit this state of affairs to exist much longer. Enlightened men and women on every side are satisfied that a work of reform must be undertaken. The basis of reform lies in separation and classification. Those who have but just entered on vicious courses must not be compelled to constant association with those who have become veterans in crime.

With the separation that might be secured in planning and erecting a new prison, would come the opportunity for a graded system of management. In the highest grade might perhaps be placed those guilty of but a single offence, as well as those whose good conduct and purpose to reform entitled them to recognition. In the lowest grade would necessarily be habitual and hardened offenders, whose evil passions must be kept in check by stern and rigorous punishment. Between those two should be at least one intermediate grade, with a chance for promotion from the lowest to the highest, and a certainty of degradation for cause from the highest to the lowest. To those in the upper grade should be accorded comforts and privileges uniformly denied to those in the lower grades, so that an incentive to good conduct and genuine reformation would continually exist. Thus the majority of prisoners might be inspired with the hope of bettering their condition in the prison; and the fact that, when they left it by expiration of sentence, they were in the upper grade, would be a recommendation to the community; while the fact that a released convict came from one of the lower grades, would lead the public to be on its guard.

I deeply feel that some plan of this sort ought to be adopted in the prison. I have sketched it in the merest outline, but it would not be difficult to complete the detail if we had a properly-built institution. Whatever has been said of our prison system in the past, it is very far from being what our present stage of civilization demands. The plan I have suggested has two specific

ends in view: it makes punishment a direct and obvious sequence of conduct, and reformation materially as well as spiritually desirable. I very well comprehend that no system can guarantee the complete restoration of criminals to integrity, but good men and women would have special encouragement to help such as had tried to help themselves. From the endeavor of the Commonwealth to temper justice with mercy in its dealings with offenders sincerely penitent, I trust would spring a new purpose among our people generally, and thus many of those who have entered criminal ways might be saved to honor and usefulness.

## STATE CHARITIES.

Under authority given the Executive by chapter 68, Acts of 1872, the Nautical School has been discontinued. Such of the boys on the school ship as the trustees thought it inexpedient to release on probation, were from time to time, as arrangements for their reception could be made, transferred to the Reform School at Westborough, and early in July the vessel was sold at public auction. The sale of the property netted \$12,753.73, which sum was paid into the state treasury.

The State Almshouses at Monson and Bridgewater were abolished by chapter 45, Acts of 1872. The transfer of paupers to Tewksbury provided for in that act has taken place, though under the discretionary authority granted the Board of State Charities, a few (less than fifty) yet remain at each of the other points,—those at Bridgewater being mostly infant children of women convicts confined there, and those at Monson being retained to assist in the work of the Primary School establishment. The number of paupers at Tewksbury is about 800, to whom nearly two-fifths are insane or imbecile persons.

Coupled with my recommendation to the General Court of 1872, that the Nautical School be abolished, was a suggestion that provision be made at Bridgewater for the boys in that school, and other boys of corresponding age who might be found guilty of offences punishable by confinement. This suggestion was not carried into effect by your predecessors. In making it I had no decided preference for the point named over others that might have been selected, but was actuated by a desire to get these lads into a secure place, where they would be

subjected to proper discipline and might receive proper instruction, and especially where they could be kept employed in pursuits adapted to their years and circumstances.

I have serious doubts whether the objections to the proposition thus submitted were of such gravity as to warrant the removal of the school-ship boys to Westborough. The institution there was not in a condition to furnish for them either adequate security or proper employment; and the effect of bringing them into immediate contact with the younger boys has been very prejudicial to the interests of the latter. From what has already been said, it will readily be inferred that I deem it imperatively necessary to the well-being of these younger boys, who for the most part are ignorant of criminal habits, that they should be kept free from the contaminating influence of the older ones, the majority of whom have made a definite advance in paths of vice. Moreover, while our first aim with respect to those of from fifteen to eighteen years of age, should be to develop and strengthen their mental and moral capabilities, their physical powers cannot be either safely or prudently neglected. They should have no idle hours on their hands. A fair proportion of the day having been given to study and recreation, the remainder should be assiduously devoted to labor,—not chiefly for its profit, but because wisely-conducted labor is in itself the best of reformatory agencies. They should be instructed in trades, so that when they are released from confinement an honest living will be easy of attainment. The Westborough institution has not the requisites necessary to successful dealing with these boys, nor can they be furnished there except at what I regard as an impolitic expenditure of money.

I have given this and connected questions a large degree of attention during the last six or eight months, and now beg to recommend to your honorable bodies the discontinuance of the establishment at Bridgewater, and the creation of a State Workhouse at some other point, in which shall be confined criminal boys above the age of fifteen or sixteen years, and the class of male convicts sent under existing laws to Bridgewater. No new building will be required for this purpose. We have jails and workhouses enough in the Commonwealth for the accommodation and proper classification of our entire body of

minor offenders. We simply need to utilize them to the best advantage for the general welfare. Make provision so that the State can take one of our county houses of correction, transfer to it the hundred men now at Bridgewater and about the same number of the older and most vicious boys at Westborough, and there are responsible business firms standing ready to contract for the services of all these persons for a term of years on satisfactory conditions. It would be a benefit to the boys to associate them in labor with those older than themselves, and, thus employed for a portion of their time, they would become familiar with occupations from which to make a respectable and comfortable livelihood when restored to freedom. I ask your serious and considerate investigation of this subject, in the hope that your inquiries will lead you to conclusions similar to those I have reached.

Throughout the State are various private institutions for the care of one or another class of the friendless or unfortunate. Of late years there has grown up a custom of granting aid to some of them from the public treasury. In my judgment this is an unwise policy. So far as I know, these several institutions are doing good work in their respective fields of voluntary labor. Certainly I wish them abundant success in their merciful endeavors. But if any one of them is aided in its mission by the State, the claim of some other one is equally valid and pressing, and a continuance of the policy will soon subject us to an enormous expense. To see the evil in which it results we have but to look to some of our sister States. The legislature of 1872 declined to grant any of these outside appropriations, and I believe its course in this respect was approved by the great body of our people.

#### PRISON FOR WOMEN.

The Commonwealth has been somewhat agitated for a year or two on the question of a separate prison for women. I am in favor of such a prison. But I fail to see that we ought to erect a new building for it. Having advised the withdrawal of the male convicts from Bridgewater, I recommend the conversion of the state institution there into a woman's prison, and in this recommendation the Prison Commission will virtually concur. I grant that neither for situation nor arrangement is the Bridgewater building exactly what we want. But it is better fitted for this than

any other necessary use, and if it is needful to make some slight changes in its construction, even if it should be found advisable to add a new wing, the expense would be small in comparison with the cost of a new institution.

The estimated average of woman convicts for the year is about 650, distributed as follows:—at the state workhouse, 150; in houses of correction, 200; in the house of industry, 300. The aggregate now under sentence is somewhat in excess of this average, but still not beyond the capacity of the Bridgewater establishment. With all our female convicts confined there, suitable employment could readily be provided, such classification as might be deemed best could be made, and the broadest and most humanitarian reformatory principles of prison discipline might be fairly tried. After much conference with those who have the good of fallen women at heart, I am satisfied the Commonwealth cannot do better than put the present state workhouse building to the use I suggest.

#### COUNTY JAILS.

The Prison Commission will bring to your notice a comprehensive plan for the improvement and classification of the county jails and workhouses, with some suggestions as to a change in our laws and customs respecting the treatment of vagrants and drunkards. Our present method of fine and costs in dealing with drunkards, not only generally fails of beneficial results to them, but in the case of married men frequently subjects their unoffending families to privations of a serious character. Should you be able to devise a scheme calculated to reform those given to intemperance, with the minimum of hardship to their dependents, you may anticipate Executive approval therefor. Having already sufficiently indicated my views in favor of classification, I have only to add that while some of our jails are well adapted for their purposes, others are little less than a disgrace to the Commonwealth. For the suggestions of the Commission I bespeak your candid attention.

#### MILITARY MATTERS.

The Governor and Council have not yet made the camp-ground purchase authorized by an act of your predecessors. Several sites have been examined with such care as was necessary, but it is difficult to find one combining all the

requisites desired. There is a reasonable prospect, however, that success will attend the effort to secure a suitable location.

During the year the Surgeon-General's office has, without expense to the recipients, collected \$71,013 from the general government on the claims of soldiers and their families for pensions, bounty, back pay, prize money, etc., which is an excess of \$23,411 over the aggregate collected during the previous year. The total amount of these claims collected since the work began, about six years ago, is \$734,933. The manner in which the labors of this office are performed, and the style in which its records are kept, merit general commendation.

The work of the Adjutant-General's office is substantially up to date. The management of the department is marked by efficiency and promptness. The two thousand dollars appropriated last spring to pay the expense of issuing soldiers' diplomas has been nearly expended, and since it was put at the command of the Adjutant-General about 12,000 of these diplomas have been made and delivered. The department will require no unusual appropriation this year, except for a single clerk to aid in completing this work of patriotic appreciation, and I recommend that such provision be made at an early day.

The condition of the active militia is about the same as it was last year. The ordinary military expenditure of the year has been \$150,085. This is about \$16,000 less than that of 1871. The number of men in camp was 5,040, a slight falling off from last year. The fifty thousand dollars appropriated two years ago for breech-loading arms, has been expended, on the unanimous recommendation of a board of officers appointed by my predecessor, in the purchase of 2,941 Peabody Rifles, nearly all of which have been transferred to the hands of the militia. I recommend the repeal of chapters 187 and 298 of the Acts of 1872.

Accompanied by members of my staff, who by reason of actual service during the late war were specially qualified to aid me, I made a careful inspection of the whole body of active militia at the annual encampment. As each regiment and battalion went into camp by itself, an unusual sense of responsibility for the character of the encampment was felt. With one exception, I heard nothing but well-deserved praise bestowed upon the several

organizations for the bearing and sobriety of the men. This was owing in no small degree to the fact that peremptory orders were given by the general officers against the introduction of intoxicating liquors upon the camp grounds. However they may differ as to the use of this article at other times, they agree as to the necessity for banishing everything of the kind from camp, if good conduct and good discipline are expected of the entire force.

The expense of our militia is more than double that of most States for a like number of men, and serviceable as the force proved at the time of the Boston fire, and doubtless would prove on any other occasion, its efficiency is not what it should be. We maintain altogether too many organizations, and too few of them are up to the proper standard. We annually expend a hundred thousand dollars for encampments, that the men may be drilled and taught the duties and obligations of soldiers; but a large proportion of those instructed this year were neither in camp last year nor will be next year. The members of the companies come and go at their own pleasure, and many elect to withdraw before they have fairly learned the soldier's first lesson, so that it is scarcely an exaggeration to say that we are continually at work on beginners. Half the number of our present organizations, filled to the maximum with good men, who could in some way be retained for a moderately-long specific period, would give us a militia twice as efficient as we can get under our present system. In this judgment I do not doubt you will find large concurrence among the best men connected with the service.

I beg you carefully to consider whether it would not be well to provide for a three-years enlistment and mustering of the men in the active militia. With discrimination on the part of mustering officers, and a proper spirit in the line and staff, those who belonged to the service would feel a genuine and commendable pride in their respective organizations, and in a short time we should have a body of citizen soldiery of the very best quality. It is advisable to require the forwarding of the enlistment rolls of this force to the Adjutant-General's office, so that you may have what you now have not,—a record at headquarters of the men actually in the service.

Whatever step you take as to the rank and file, I cannot doubt the propriety of amending the militia law so as



to provide brigade boards for the examination of all elective officers. These boards might consist of three officers each, appointed by the respective brigadier-generals, and no commission should issue except on the certificate of the proper board that the person therein named has been examined and found qualified for the position to which he has been chosen.

#### THE LIQUOR LAW.

I should be gratified, as doubtless most of you would be, to see the day when no further legislation was required in reference to the use and sale of intoxicating liquors,—when the laws on this subject were such as to satisfy the great majority of the good and sensible people of the Commonwealth. While human nature remains what it is, we cannot reasonably cherish the expectation of a period when there will be no class in the State with new theories and fresh discoveries upon this question; but I do hope for the time when the body of our citizens will feel that no more thought and labor need be spent in perfecting the law. If you can hasten this time by the exercise of your wisdom and foresight, you will deserve and receive the gratitude of your constituents and coming generations.

Unquestionably there are some who incline to the belief that a stringent license law, rigidly executed,—such a law as has recently been enacted in two or three States of the Union,—would correct the evils we are trying to extirpate. But that law has not yet shown any special efficacy in bringing about the reform for which we are striving. Moreover, this Commonwealth has so declared for prohibition, again and again, that we are not placed in the least doubt as to the will of the people. For my own part, I do not think any radical changes of policy either necessary or advisable, and I have but two or three modifications of the existing statute to suggest.

This statute is founded on the principle that distilled spirits may be sold for medicinal and mechanical purposes only, while the State, through its agent, duly appointed and subject to rigid rules, shall furnish a pure article at a reasonable price, to those only who have been legally authorized to keep a supply for the purposes specified. Regulations as to the price at which liquors shall be furnished, requiring all to bear the stamp of the State Assayer as a proof that the quality is up to the legal

standard, constitute a guarantee against fraud and extortion, and a pledge that the Commonwealth is ready to do what it can to protect the town and city agents against imposition. I see no other practicable way in which proper supervision can be exercised.

But to the full success of this supervisory plan it is essential that every local agent should purchase from the state agent only. If three-fourths of them are allowed to obtain their liquors where they please, the guarantee as to quality is wholly lost, while the state agency cannot be sustained by the purchases of the other fourth. I see no valid reason why apothecaries, if appointed to local agencies, should not be subjected to the restrictions laid upon other citizens so appointed; and I therefore recommend a change of the law in this regard, so that all town and city agents shall be on an equal footing.

If under licenses to sell ale and beer, sales could be confined to those articles, though in most cases a thirst for stronger drinks would be created, the evil resulting from such licenses would be comparatively small. But the Chief Constable of the Commonwealth expresses the opinion that at least nine-tenths of our beer-shops use their licenses as a cover for the sale of distilled spirits. A beer-shop, so called, has come to mean generally a place where all kinds of intoxicating liquors are furnished. And if we are to accept the evidence of those who have had the most painful experience of the miseries produced by these places, they are among the greatest obstacles to the social and moral progress of the community. The testimony of criminals of every degree is, that they were drawn by frequenting beer-houses into offences and violations of law of which they might otherwise have remained innocent. The wise and prudent legislator will not cease his efforts for the diminution of crime till every measure has been adopted which experience proves needful.

I am convinced that a large majority of the legal voters of the Commonwealth are opposed to the open bar in any form or in any place; and if it were possible to obtain the views of our women on this important question, I doubt not that at least four-fifths of them would promptly pronounce in favor of the speedy closing up of all these dens of vice and crime. And I commend the subject to your reflection, confidently trusting you will agree with me in the conclusion that the time has come when the legality

of a beer and ale shop should no longer be sustained by our statutes.

If the law in reference to the liquor traffic is not enforced, the general impression seems to prevail that the fault must be either in the Executive or the police officer. It is easy and perhaps natural to lay sins of omission in this regard at their doors.

But at a recent term of the court in one of our counties, through the efforts of an officer, a common seller, one who had been found guilty three or four times, was again brought to trial and conviction, and sentenced to a fine of ten dollars and costs, which sum his clerk easily made in profits on sales during the trial. In another county, a party found guilty of the same offence was sentenced to a fine of two hundred dollars and costs, and imprisonment in the house of correction for six months. This sentence made the violation of the law not only unprofitable but decidedly disagreeable.

In the one case the prosecuting officer and the court evidently do not intend to accomplish either of these results, and the work of the police officer is so neutralized that though he pile his complaints against offenders mountain high he has no reasonable prospect of suppressing the traffic. In the other case the officers of the law are all laboring for one result, and there your statute is a terror to evil-doers,—the officials believe in the rigid enforcement of the law, while juries and people are in harmony with them and gladly second their endeavors. With like action and sympathy in every county, we should have similar results, with a beneficial effect upon all classes of society.

My object in referring to these facts is not to criticise the course of any tribunal, but rather to impress upon your minds that the enforcement of the liquor law, like that of every other law, depends not upon the action of a particular officer alone, but upon unity of action among all officials. If the prosecuting officer is willing to shield the criminal; if jurors or witnesses are lacking in firmness or integrity; if the court, with its large discretionary powers, looks out for the mildest possible sentence, we have a condition of things which not only prevents a fair enforcement of the law, but actually invites its violation, in spite of all effort that can be made by the police or the Executive.

Nor should it be overlooked or forgotten that the exe-

cution of this law is almost wholly required at the hands of the state police. In contending with other forms of vice and crime they generally receive the assistance and co-operation of the local police, but when it comes to the treatment of offences arising under the liquor law, I regret to say that they not only rarely receive assistance from the local force, but are too often hindered and thwarted in their own labors. I am gratified to believe that there is of late, in some sections at least, a growth of higher public sentiment on this matter, and I trust the day is quite near at hand when all officers will be obliged to do their whole duty with respect to every statute.

#### THE STATE POLICE.

Some three months ago, Major Edward J. Jones tendered his resignation as Chief Constable of the Commonwealth. His high executive ability, and his long experience in the duties of the position, made him an officer whom it was particularly desirable to retain. But his health had become impaired by the trials and perplexities of the office, which are sufficient to tax to the utmost the mental and physical powers of the strongest man, and there seemed no alternative but to yield to the necessities of the case and accept his resignation.

After a patient and careful investigation, Captain George W. Boynton, who had been connected with the force for several years, and had proved himself a most efficient officer, was appointed to the succession. We have good reason to believe that he will discharge the duties of the post with fidelity, resolution and active intelligence.

The report of the Police Commissioners will show you that the force has been increased by an addition of thirty men, in accordance with the legislation of the last General Court. These have been distributed in different sections of the State, where the commissioners believed their service would be most useful.

The value of the State Police, not alone in the enforcement of a particular law, but in the preservation of good order and the suppression of crime generally, has never been more heartily appreciated than at the present time. Immediately after the great fire in this city, nearly the whole force was ordered here for duty, and the service it then rendered is beyond computation in figures. And I

may add that in most parts of the State, whenever there is a large gathering of the people, enough members of the constabulary are present to insure quiet and an observance of the laws.

While there may be a few exceptions, the force, as a whole, is believed to be a faithful and trustworthy body of men. Whenever evidence is furnished that any member, whether by reason of character or inefficiency, is unfit for the position he holds, a change will at once be made. The principle governing in this matter is, that the minister of the laws must neither violate them himself, nor connive with those who are violators,—that the true test of the worth of a man in a given position is what he accomplishes, and that in this calling especially he must be judged by his works. If he cannot stand by this judgment, then he must give place to one who can.

*Senators and Representatives:*

By faithful devotion to business and reasonable care of legislation, your immediate predecessors acquitted themselves, at their regular session, in a manner that met the general approval of the public. But no other act of theirs gained for them such universal commendation as the termination of their labors at a date four or five weeks earlier than the average of several previous years. If your efforts in the official duties upon which you are about to enter, are characterized by the energy and diligence ordinarily displayed in private affairs, so that the responsible trusts committed to your hands are properly discharged, and the session brought to a close a month sooner than that of 1872, I am confident you will receive the hearty and unanimous praise of your constituents.

## SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS  
EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE,  
DURING THE ANNUAL SESSION.

[To the Senate and House of Representatives, January 9.]

By chapter 50, Resolves of 1860, the Governor and Council are requested, in the month of January of each year, to communicate to the General Court a list of the pardons granted during the year next preceding, with such detailed statements as in their judgment the public good may require. In compliance with this Resolve I have the honor herewith to lay before the General Court a report of the pardons issued by the Governor and Council during the year 1872.

## 1872.

No. 1. GEORGE D. GALLAGHER. Convicted of assault and battery: Municipal Court, Boston, January 2, 1872. Sentenced to fine and costs. Pardon granted January 11, 1872, from Suffolk County jail, on petition of person assaulted. Shown to the satisfaction of the governor and council that the assault was a slight affair, and Gallagher's first offence, and that one of his children had just died, while two others and his wife were ill.

No. 2. LEVI FRIEDMAN. Convicted of peddling without license: Municipal Court, Boston, January 16, 1872. Sentenced to fine and costs. Pardon granted, January 23, 1872, from Suffolk County jail, on petition of Sheriff Clark. Shown to the governor and council that Friedman was a German, just arrived in this country, ignorant of our laws and language, with a wife and four small children in a state of great destitution.

No. 3. MICHAEL MULLARKEY. Convicted of larceny from person: Superior Court, Suffolk County, December Term, 1870. Sentenced to five years in state prison. Pardon granted January 24, 1872, on petition of Hon.

Henry Splaine, Patrick Donahoe, Esq., Samuel B. Locke, and twenty other citizens of Boston. Physician of the prison certified that Mullarkey was in the last stages of Bright's disease. Has since died.

No. 4. JAMES BUTLER. Sentenced to fine and cost, for keeping liquor nuisance: Superior Court, Bristol County, December Term, 1871. Pardoned from New Bedford house of correction, January 26, 1872, on recommendation of district-attorney, who certified that through his mistake Butler was improperly sentenced.

No. 5. WILLIAM RIER. Convicted of larceny from building: Superior Court, Middlesex County, July Term, 1870. Sentenced to two years in house of correction. Pardon granted, February 16, 1872, on his own petition, endorsed by owner of property taken, and other citizens who testified to his general good character. Appeared that he took certain tools to secure wages due him, and the district-attorney, on re-examination of the case, doubted if there was any felonious intent.

No. 6. ALBERT STEVENS. Convicted of malicious mischief: Trial Justice of Marlborough, Middlesex County, November, 1871. Sentenced to six months in house of correction. Subsequently sent to lunatic hospital at Worcester, and after partial recovery was pardoned, February 29, 1872, on memorial of selectmen and overseers of poor, that he might be transferred to the Marlborough poor-house, of which he had been for many years an inmate.

No. 7. CHARLES CARTER. Sentenced February 21, 1872, by Police Court of Charlestown, to three months in house of correction, for larceny. Pardon granted March 13, 1872, on recommendation of police justice and chief of police of that city. No larceny was committed, and Carter plead guilty on supposition that the charge was drunkenness.

No. 8. ISAAC N. C. SAVELS. Convicted of adultery: Superior Court, Norfolk County, September Term, 1871. Sentenced to one year in house of correction. Pardon granted March 27, 1872, on prayer of Hon. Adin Thayer, Hon. Henry L. Pierce, Hon. George B. Blake, Hon. Henry Jones, the city marshal of Worcester, the deputy sheriff of Stoughton and twenty other prominent citizens of those places. Physician of house of correction certified that Savels was suffering from a form of heart disease which threatened his life, and was greatly aggravated by confine-

ment. Shown to the satisfaction of the governor and council by new evidence that the offence was fornication rather than adultery.

No. 9. JOHN MCQUILLON. Convicted of assault while drunk: Trial Justice Hopkins, of North Truro, Barnstable County, November 25, 1871. Sentenced to six months in house of correction. Pardon granted March 27, 1872. Recommended by the trial justice, sheriff, jailer, overseers of the house of correction, selectmen of Provincetown, and a number of other citizens, who believed that the ends of justice were satisfied, and that McQuillon would not again offend.

No. 10. CATHERINE HOWARD. Convicted of larceny from person: Superior Court, Essex County, October Term, 1870. Sentenced to three years in house of correction. Pardon granted March 27, 1872, on recommendation of the district-attorney, sheriff of the county, and overseers of the house of correction. Prisoner's mind had become disordered, and relatives in Maine wished to take charge of her.

No. 11. HENRY O'BRIEN. Convicted of entering with intent to steal: Superior Court, Suffolk County, December Term, 1869. Sentenced to three years in state prison. Pardoned April 11, 1872, on prayer of his father and brothers. Physician of the prison certified that he was in last stages of tubercular consumption. Died shortly after being released.

No. 12. MICHAEL MAHER. Convicted of assaulting an officer while drunk: Superior Court, Norfolk County, December Term, 1871. Sentenced to six months in house of correction. Pardon granted April 16, 1872, on petition of several citizens of Roxbury. Recommended by officer assaulted, and Roxbury chief of police, and concurred in by district-attorney.

No. 13. JOHN HAYNES. Convicted of larceny from a building and receiving stolen goods: Superior Court, Suffolk County, January Term, 1869. Sentenced to state prison for three years and six months on one indictment, and eighteen months in house of correction on the other. Pardon granted April 23, 1872, at expiration of first sentence. Recommended by inspectors of state prison, who expressed the opinion that he would not again offend. Physician certified to several attacks of bleeding from the



lungs, and that serious pulmonary disease would probably result if he were kept imprisoned many months longer.

No. 14. **BARTHOLOMEW DELANEY.** Convicted of larceny from the person: Superior Court, Norfolk County, April Term, 1871. Sentenced to two years in house of correction. Pardon granted April 23, 1872. Recommended by district-attorney and overseers of house of correction. Physician certified that he was suffering from tubercular consumption and could probably live but a short time. Subsequently died—three weeks after his release.

No. 15. **WILLIAM ROONAN.** Convicted of assault and battery: Superior Court, Suffolk County, October Term, 1871. Sentenced to one year in house of correction. Pardon granted April 24, 1872. Several respectable citizens of Boston by whom he had been employed certified to his general good character, and evidence, not introduced at time of trial, showed that Roonan acted in self-defence.

No. 16. **STEPHEN BARRY.** Convicted of larceny from building: Superior Court, Hampden County, December Term, 1870. Sentenced to two years and three months in house of correction. Pardon granted May 2, 1872, on prayer of several citizens of Holyoke, where Barry had lived for some time. Master and physician of house of correction united in certifying that his feeble health and mental condition made it advisable to release him from further confinement.

No. 17. **PETER CUNNINGHAM.** Convicted of drunkenness: Municipal Court, Worcester. Sentenced to fine and costs. Pardoned from house of correction, May 2, 1872, at the expiration of three months, on payment of fine, in accordance with recommendation of prosecuting officer.

No. 18. **WILLIAM H. DANIELS.** Convicted of arson: Superior Court, Berkshire County, July Term, 1870. Sentenced to five years in house of correction. Pardon granted May 3, 1872, on petition of Hon. F. P. Brown, Judge James T. Robinson, Hon. S. P. Dresser, State Constable McKay, Willard Ballou, J. Q. Robinson, Wm. P. Porter and nearly one hundred other citizens of North Adams and vicinity. Recommended by master and physician of house of correction, who certified that Daniels was suffering from acute chronic rheumatism, had been several months in hospital, was hardly able to walk even with crutches, and would probably soon lose the use of his legs entirely unless released.

No. 19. **GEORGE M. GRIFFIN.** Convicted of escaping from jail and assaulting an officer: Superior Court, Essex County, January Term, 1870. Sentenced to three years in house of correction. Pardon granted May 6, 1872. Recommended by district-attorney, sheriff of county, and physician of the house of correction. Had been in hospital most of the time for two years, and was not likely to live long unless given benefit of fresh air and out-door exercise.

No. 20. **MARY B. FAIRBANKS.** Convicted of receiving and aiding to conceal stolen property: Superior Court, Worcester County, August Term, 1870. Sentenced to two years in house of correction. Pardon granted May 31, 1872, on prayer of ladies of Worcester who believed she had reformed and would lead reputable life if released. Recommended by sheriff and matron of house of correction, and concurred in by district-attorney.

No. 21. **WILLIAM BURTCH.** Convicted of obtaining goods on false pretences: Superior Court, Hampden County, December Term, 1870. Sentenced to three years in house of correction. Pardon granted May 31, 1872. He was seventy-eight years of age, incapable of doing any work even when well, and in hospital most of the time. Family wished to receive and take care of him. Release advised by district-attorney and by officers of the house of correction, as well as by the parties from whom goods were obtained.

No. 22. **ANDREW CRAWFORD.** Convicted of an assault on a member of his family while drunk: Municipal Court, Boston. Sentenced March 13, 1872, to three months in house of correction. Pardon granted May 31, 1872, on prayer of his family, who believed that by securing his release they would the better be enabled to keep him from indulgence in liquor. Recommended by Hugh J. Toland and others well informed as to circumstances of case and condition of family.

No. 23. **TIMOTHY HANNAGAN.** Convicted of assault and battery: Trial Justice Bumpus, Norfolk County, May 16, 1872. Sentenced to two months in house of correction. Pardon granted June 14, 1872, on petition of Weymouth citizens, endorsed by the trial justice, who said he imposed the sentence under misapprehension of certain facts bearing on the case.

No. 24. JOHN ROGERS. Convicted of rape : Supreme Court, October Term, 1858. Sentenced to state prison for life. Pardon granted June 14, 1872. Petitioned for by father and mother of the girl on whom rape was committed, the selectmen of Freetown, Wareham and Rochester, and twenty other citizens of that section. Prisoner was sixty-four years of age, had behaved well in prison, was of feeble intellect and in poor health. Had a brother who would give him a comfortable home.

No. 25. LYMAN N. CURTIS. Convicted of larceny : Superior Court, Norfolk County, December Term, 1871. Sentenced to one year in house of correction. Pardon granted June 20, 1872, on his own petition—physician and overseers certifying that he had pulmonary consumption, and probably could live but a short time.

No. 26. ISRAEL WOOD. Convicted of larceny : Trial Justice Duall, Worcester County, May 20, 1872. Sentenced to three months in house of correction. Pardon granted June 20, 1872. Recommended by the trial justice and the selectmen of Spencer. Evidence was submitted not accessible at the time of trial, showing an absence of criminal intent on part of Wood, who simply wore off an overcoat belonging to a fellow-workman, without any attempt at concealment.

No. 27. PATRICK MULLANE. Convicted of maintaining liquor nuisance : Superior Court, Suffolk County, September Term, 1871. Sentenced to fifty dollars fine and three months in house of correction. Case subsequently taken into Supreme Court on writ of error. Pardon granted June 20, 1872, on recommendation of the attorney-general of the Commonwealth, after payment of fine. Three Boston physicians of high standing certified that in their opinion, considering Mullane's mental and physical condition, imprisonment would seriously endanger his life. He gave pledges that he would not again have anything to do with liquor-selling.

No. 28. CORNELIUS HORGAN. Convicted of forgery : Superior Court, Suffolk County, August Term, 1871. Sentenced to eighteen months in house of correction. Pardon granted June 28, 1872. Physician of house of correction certified that Horgan had been in hospital for more than a year ; that he was very sick with consumption, and could probably live but a few weeks.

No. 29. MARY FITZHARRIS. Convicted of larceny :

Police Court, Lowell, April 26, 1872. Sentenced to four months in house of correction. Pardon granted June 28, 1872, on petition of mayor, city marshal and other citizens of Lowell. Additional evidence showed that the prisoner, a girl of seventeen, took home a clock, which she knew her mother had bought of a neighbor, and had reason to suppose had been paid for in full. There was apparently no criminal intent.

No. 30. DANIEL REEN. Convicted of assault and theft: Superior Court, Middlesex County, October Term, 1871. Sentenced to two years and six months in house of correction. Pardon granted July 25, 1872, on petition of chief of police of Charlestown. Recommended by district attorney and physician in charge. The boy had lost the sight of one eye, and was losing that of the other; released that he might be put under proper treatment. Subsequently became totally blind.

No. 31. LAFAYETTE CARPENTER. Convicted of attempting to extort money: Superior Court, Worcester County, January Term, 1872. Sentenced to one year in house of correction. Pardon granted July 25, 1872. Prisoner was in jail several months before sentence, and release, on ground of feeble condition, was recommended by master of house of correction, late city marshal of Worcester, the complainant, and many other good citizens conversant with the case.

No. 32. JOHN CONLISK. Convicted of larceny in building: Superior Court, Middlesex County, July Term, 1870. Sentenced to three years in house of correction. Pardon granted July 25, 1872, on petition of citizens of Troy, New York, where he formerly lived. Recommended by sheriff of Middlesex County, master of house of correction, and several citizens of Lowell, on ground that sentence was severe, that Conlisk had previously borne good character, and that poor health kept him in hospital much of the time.

No. 33. JAMES GODLEY. Convicted of keeping a liquor nuisance: Superior Court, Bristol County, June 24, 1872. Sentenced to three months in the house of correction. Pardon granted August 13, 1872, on his own petition, showing that he gave up liquor-selling several months before his case was presented to the grand jury. Recommended by Hon. James Buffinton, the district-attorney, and the state constable who prosecuted.

No. 34. JAMES TYRELL. Convicted of adultery: Superior Court, Berkshire County, January Term, 1872. Sentenced to one year in house of correction. Pardon granted August 23, 1872. Petitioned for by Hon. Henry L. Dawes, Hon. Sylvander Johnson, Hon. Shepard Thayer, Jacob Coon, the complainant, B. F. Phillips and M. D. Hodge, of the trial jury, and a number of other citizens of North Adams and that neighborhood. Committee of executive council gave the case a careful investigation, and reported that in their judgment, the prisoner was convicted on insufficient evidence.

No. 35. JOHN J. JACOBS. Convicted of breaking and entering with intent to steal: Superior Court, Suffolk County, November Term, 1870. Sentenced to two years in house of correction, to begin in March, 1871, at the expiration of a previous sentence. Pardon granted August 23, 1872, on his own petition, indorsed by Hon. Moody Merrill, Hon. Brownell Granger, Hon. Albert Palmer, Hon. Geo. Bartholmesz, Patrick Donahoe, John L. Swift and others. Prisoner was a young man who had been led astray by evil companions, and committee of executive council were satisfied that he had thoroughly reformed.

No. 36. THOMAS BURNS. Convicted of drunkenness: Police Court, Newburyport, June 27, 1872. Sentenced to three months in house of correction. Pardon granted August 30, 1872, with concurrence of police justice who imposed sentence, and on petition of Hon. D. T. Woodwell and thirty other citizens of Newburyport. Burns signed pledge of total abstinence from intoxicating liquors, and the petitioners believed he would keep it and henceforward give no cause for complaint.

No. 37. DE FORREST PETERSON. Convicted of adultery: Superior Court, Franklin County, March Term, 1872. Sentenced to two years and six months in state prison. Pardon granted Sept. 6, 1872, on petition of Hon. Wm. Keith, C. C. Conant, David Aiken, Humphrey Stevens and twenty-five other citizens of Greenfield. Shown to the satisfaction of the governor and council that the wife of Peterson, with whom he had lived for some years in Greenfield, supposed herself divorced from a former husband and at liberty to marry again, and that there was no guilty intent on the part of prisoner.

No. 38. JOHN McDERMOTT. Convicted of larceny: Superior Court, Middlesex County, July Term, 1871. Sentenced to eighteen months in house of correction. Pardon granted Sept. 28, 1872, on petition of complainant. Recommended by district-attorney, mayor and chief of police, Charles H. Taylor and other citizens of Somerville. Prisoner's character previously good and sentence thought to be unduly severe.

No. 39. GEORGE H. FOLEY. Convicted of larceny: Superior Court, Suffolk County, May Term, 1872. Sentenced to four years in state prison. Pardon granted Sept. 28, 1872, on petition of his mother. He was in the last stages of consumption, and lived but a short time after his release.

No. 40. JAMES MURPHY. Convicted of robbery: Superior Court, Bristol County, June Term, 1869. Sentenced to five years in state prison. Pardon granted Sept. 28, 1872, on recommendation of the prison inspectors, that he might die at home, which he soon afterward did, of consumption.

No. 41. JOHN HAYDOCK. Convicted of larceny from the person: Superior Court, Middlesex County, July Term, 1870. Sentenced to three years in house of correction. Pardon granted Oct. 15, 1872, on petition of prisoner and his mother, endorsed by Hon. C. H. Fiske, of Boston. Haydock's previous character was excellent, his offence had mitigating circumstances, and he had been several months in hospital. Advised by present and former district-attorneys, and physician of the house of correction.

No. 42. GEORGE SPROUL. Convicted of larceny: Police Court, Charlestown, June 3, 1872. Sentenced to six months in house of correction. Pardon granted Oct. 15, 1872, on petition of his mother endorsed by a number of citizens. Recommended by the chief of police of Charlestown, the officer who made the arrest, and the justice who tried the case. This was Sproul's first offence; the officers said he was not a bad youth, and they believed pardon would make a good man of him.

No. 43. JOHN CRANE. Convicted of cheating: Superior Court, Middlesex County, November Term, 1870. Sentenced to two years in house of correction. He was kept in jail several weeks after conviction, and pardoned on recommendation of Sheriff Kimball, for good conduct,

Oct. 15, 1872, the date at which his term would have expired if he had been removed to house of correction as soon as sentenced.

No. 44. KERAN DOWLING. Convicted of assault: Municipal Court, Boston, May 16, 1872. Sentenced to six months in house of correction. Pardon granted Oct. 31, 1872, on petition of his mother, endorsed by several citizens of South Boston. Recommended by the police officers who arrested and prosecuted. Released two weeks before end of his sentence, that he might accept an offer of steady employment at good wages, for the benefit of his mother and sisters, who were left in a state of great destitution by the sudden death of Dowling's father.

No. 45. WARREN H. CLEMENS. Convicted of stealing: Superior Court, Suffolk County, June Term, 1872. Sentenced to one year in house of correction. Pardon granted Oct. 31, 1872, on certificate of attending and examining physicians, that he might be put into South Boston lunatic hospital.

No. 46. JOHN M. CROSBY. Convicted of forgery: Feb. Term, 1869, Superior Court, Suffolk County. Sentenced to five years in state prison. Pardon granted Oct. 31, 1872, on petition of his son. The prisoner was sixty-six years of age, in feeble health, had been in hospital much of time for several months, was suffering from an incurable disease, and his children were prepared to give him a comfortable home and such medical attendance as he needed. Warden Chamberlain certified that his conduct in prison had been excellent, and that he manifested an earnest purpose to lead a correct life.

No. 47. CHARLES KELLY. Convicted of assault and disturbance: Municipal Court, Southern District of Boston. Sentenced August 24, 1872, to fine and costs on three indictments, and committed to house of correction for non-payment. Pardon granted November 15, 1872, on his own petition. The justice who sentenced him certified to the governor and council that, under the interpretation of law accepted by the authorities in charge, the prisoner was getting thrice as long a term of confinement as the court intended he should have.

No. 48. FRANKLIN CUTTING. Convicted of assault and battery: District Court, Pittsfield, September 6, 1872. Sentenced to three months in house of correction. Pardon granted November 15, 1872, on petition of person

assaulted. Recommended by state constable who made the arrest, and justice who tried the case. This was Cutting's first offence, and the officers believed he would not again offend.

No. 49. HENRY PHILLIPS. Convicted of arson: Court of Common Pleas, Norfolk County, April Term, 1859, and sentenced to state prison for life. Pardoned for Thanksgiving day, 1872. The release of this prisoner was advised by the late warden of the prison two years ago, and such proceedings were had as led him to inform Phillips that he would be pardoned for Thanksgiving day, and the necessary preparations for his release on that occasion were made accordingly. Pardon was not granted. The effect of what took place at that time was bad upon Phillips, and also upon other prisoners, who felt that he had not been quite fairly treated, and some of whom asked the present warden to urge his pardon. His conduct in prison was uniformly good, and he gave evidence of a sincere disposition to lead a correct life.

No. 50. JOHN HURLEY. Convicted of burglary on two indictments: Superior Court, Suffolk County, August Term, 1865. Sentenced to ten years in state prison on each indictment. Pardoned for Thanksgiving day, 1872. Recommended by the attorney-general of the Commonwealth, Hon. Thomas Russell, who imposed the sentences, and Hon. Geo. P. Sanger and Hon. P. R. Guiney, who represented the State at the time of trial. It was conceded by all these gentlemen that the sentences ought not to have exceeded five years on each indictment, and certain features of the trial rendered it, in their judgment, advisable to release the prisoner by pardon. In this judgment the governor and council concurred.

No. 51. CHARLES LYNCH. Convicted of larceny: Police Court, Lawrence, January 20, 1872. Sentenced to one year in house of correction. Pardon granted December 12, 1872, on recommendation of physician and master of house of correction. Prisoner was very low with consumption, and had friends who wished to provide what was necessary for his comfort.

No. 52. MARTIN CHEESBRO. Convicted of arson on two indictments: Superior Court, Berkshire County, July Term, 1870. Sentenced to seven years in state prison. Pardon granted December 13, 1872, on recommendation of the inspectors and physician of the prison, because in



last stages of consumption, and could probably live but a few weeks. Parents took him home.

No. 53. ADOLFUS BERGER. Sentenced from Police Court, Lawrence, November 2, 1872, to sixty days in house of correction, for peddling without license. Subsequently shown to satisfaction of the court and the governor and council that he had been duly licensed by the secretary of the Commonwealth, and had lost his papers. Pardon recommended by the court.

No. 54. JAMES MANCHESTER. Convicted of breaking and entering: Superior Court, Bristol County, December Term, 1871. Sentenced to eighteen months in house of correction. Pardon granted for Christmas day, 1872, on recommendation of district-attorney. Prisoner's first offence, conduct in confinement excellent, did not belong to criminal class, and pardon was asked for by large number of respectable persons who had known him all his life, and were confident he would not again offend.

No. 55. MARIA MURPHY. Convicted of larceny from person: Municipal Court, Boston, July 27, 1871. Sentenced to two years in house of correction. Pardon granted for Christmas day, 1872, on recommendation of master of the house of correction, for good conduct, and as the most deserving of the female convicts in that institution.

#### SUMMARY.

Of the 55 pardons issued, 10 went to the state prison, 43 to houses of correction, and 2 to Suffolk County jail. Nine were issued solely because of what was believed to be fatal illness, and of these persons it is known that six died soon after being released; nine were also issued to correct errors of courts or prosecuting officers, and four to persons partially insane, that they might be put under proper treatment elsewhere. Every pardon of the year contained the *condition* that if the person to whom it was issued should, before the expiration of the sentence, be convicted of any crime punishable by imprisonment, he would be held to serve out the remainder thereof.

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[To the Senate and House of Representatives, January 10.]

Herewith, for the information and use of the General Court, I have the honor to transmit the Annual Reports for 1872, of the Surgeon-General of the Commonwealth, the Commissioners of Inland Fisheries, the Board of Police

Commissioners, and the Commissioner of the Mystic River Corporation.

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[To the Senate and House of Representatives, January 31.]

I have the honor to transmit herewith, for the information of the General Court, and such disposition as may appear expedient, the Tenth Annual Report of the Trustees of the Massachusetts Agricultural College, with accompanying documents.

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[To the Senate, February 10.]

I have the honor to lay before you, for the information of the General Court, a letter of the eighth instant, addressed to me by the Honorable Henry Wilson, resigning his seat in the United States Senate, said resignation to take effect on the third day of March next, at the close of the forty-second Congress.

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[To the House of Representatives, February 18.]

By the fifth section of chapter 214, Acts of 1863, the Commissioners of the Troy and Greenfield Railroad and Hoosac Tunnel were given authority, subject to the approval of the governor and council, to use a sum of money not exceeding fifty thousand dollars, "to extinguish any liens or claims or rights of redemption, which any person or corporation may have, in order to perfect the title of the Commonwealth to said railroad and tunnel."

On the 28th ultimo, the house of representatives adopted an order requesting the governor and council to communicate any information in their possession relative to the action of the commissioners in this regard; and to the inquiry of your honorable body I have the honor to reply as follows:—

It appears that the power conferred upon the commissioners by the statutory provision to which reference is made, was given for the purpose of enabling them to purchase and extinguish the rights of holders of bonds secured by a mortgage executed July 30, 1855, by the Troy and Greenfield Railroad Company, to Jerome V. C. Smith and others as trustees. (See Report of Joint Special Legislative Committee of 1864, p. 25, Senate Document No. 50, series of 1865.) By an order of the governor and council, made June 2, 1863, a committee of the council was directed to inquire and report as to the validity of this mortgage, and to ascertain what other liens or incumbrances existed on any property claimed by the Common-

wealth under its mortgages; and the committee were authorized and instructed to procure the opinions of the attorney-general, the Hon. Isaac F. Redfield, and the Hon. Emory Washburn, upon the points mentioned. After considering the report of this committee, and the opinions of the attorney-general and Messrs. Redfield and Washburn, the governor and council declared themselves satisfied (June 25, 1863) that the Commonwealth had obtained complete possession, under its mortgages, of all the property intended to be conveyed to it by the Troy and Greenfield Railroad Company; and in accordance with suggestions made in the opinions referred to, the attorney-general was requested to obtain the decision of the supreme judicial court of the Commonwealth concerning the effect and validity of the mortgage to Smith and others, as trustees, and to cause the same, if possible, "to be set aside, or declared by judicial decree postponed to all the necessary and proper disbursements of the Commonwealth made in the past and future work of constructing both the road and the tunnel." Legal proceedings were accordingly instituted for this purpose, and it was decided by the court (March 9, 1865) that this mortgage, and the bonds secured by it, were invalid, and that the holders of said bonds had no title which they could maintain against the mortgages of the Commonwealth. (Vol. 10, Allen's Reports, pp. 448-459.) In consequence of this decision no action was had and no expenditure made by the commissioners under the section to which the order of the House refers.

The second branch of the legislative inquiry requests the governor and council to furnish "any other information" in their possession "not heretofore communicated, concerning the right of the Commonwealth in the Hoosac Tunnel and Troy and Greenfield and Southern Vermont Railroads." As a response to this point, I have to say that the executive office has no information on the subject except what is already at the command of the general court.

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[To the Senate and House of Representatives, February 26.]

I have the honor to transmit herewith, for the information of the General Court, the Annual Report of the Adjutant-General of the Commonwealth, for the year ending December 31, 1872.

[To the Senate and House of Representatives, March 10.]

I have received a circular letter from certain gentlemen of Pennsylvania who constitute the Meade Memorial Executive Committee, in which is urged the eminent propriety of erecting a monument on the Gettysburg battle-field to the late General Meade. I have also received a communication from Generals Devens, Sargent and others, representing the soldiers of this Commonwealth who served in the Army of the Potomac during the late war, in which this suggestion of a monument is endorsed, and the idea advanced that the position occupied on the field by our troops should be appropriately designated. These officers recommend an appropriation by the State in aid of the purpose which they and their comrades have at heart. Copies of both documents, which are addressed to the Legislature as well as to myself, I have the honor herewith, to lay before the General Court for its information, in the conviction that you will give the subject such consideration as it merits.

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[To the Senate, April 15.]

In compliance with the request of the legislature, I have the honor herewith to lay before the Senate, as furnished me by the Secretary of the Commonwealth, a copy of the Annual Report of the State Liquor Commissioner, for the year ending September 30, 1872.

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[To the House of Representatives, May 16.]

Herewith I return unapproved to your honorable body, in which it originated, the bill entitled "An Act in relation to the Lee and New Haven Railroad Company." Though, by indirection and under the guise of giving a construction to an Act approved in March of last year, the effect of this measure is to grant state aid to the extent of three hundred thousand dollars to the railway company named in the title of the bill, I can neither give my assent to the proposition that this corporation has an equitable claim on the State for such legislation, nor to the other proposition, that the Commonwealth ought to aid in the construction of the Lee and New Haven Railroad.

I am aware that in the early days of railway building in this State the credit of the Commonwealth was sometimes loaned to what were deemed meritorious projects, and thereby some most difficult and doubtful undertakings were accomplished much earlier than they could have been

if left wholly to private enterprise. I have never questioned that this was wise and far-seeing policy for the era in which it prevailed. But when provision had been made for such great thoroughfares as were of general advantage to our people; when the matter of investing in and managing railroads had become so well understood that it could no longer be looked upon as an experiment of uncertain results; when private capital was not only abundant for the construction of all the railway lines demanded by the business interests of the State, but was sufficient to furnish no small part of the means necessary for extending the railway system into new and distant States and territories; when this period in our history was reached, I supposed no conclusive reason could be given why the Commonwealth should longer continue to aid in the furtherance of railway projects. That the public credit should not be pledged in this direction has been accepted as the general policy of the State for the last fifteen years, as may readily be ascertained by an examination of our statute books. It is undeniable that the Commonwealth has been induced occasionally to swerve from this judicious policy, but it may be doubted whether every instance of such departure has not been to her detriment.

The general court of 1868 conspicuously disregarded that policy in making generous grants of state aid to the Lee and New Haven, and the Boston, Hartford and Erie Railways. We are not permitted to assume otherwise than that a majority of its members then thought their action prudent and commendable. But since the time of that action we have been making history most rapidly. The increased burden of taxation for which the people have received no just equivalent, the worry and expense of manifold and interminable lawsuits to which the State and her citizens have been subjected, the anxiety of the present hour to know how much may be saved of the millions of dollars advanced in accordance with the legislation of that session,—a consideration of the facts thus indicated may properly lead us to question whether a single member of that majority would to-day deem it advisable to repeat the state-aid votes then given.

However this may be, it would seem that the experience of the past ought to warn us against lending a friendly ear to railway projects not recommended to promotion by a clear and indisputable regard for the interest of the great

body of our people. In my judgment no new proposition for state aid to railroads should now be favorably considered, and I am not able to foresee that any exigency warranting such aid can arise in the future. Certainly, until our public debt is greatly reduced from its present proportions, the utmost economy is demanded at the hands of every officer of the government, and all expenditures of questionable necessity should be rigidly withheld.

Strongly as I entertain these views, I should approve the bill in relation to the Lee and New Haven Railroad Company if I believed that the corporation had an equitable claim on the Commonwealth for the aid it grants. But I do not admit that the company has any such claim. By chapter 313, Acts of 1868, the State made a contract with this company to loan it three hundred thousand dollars upon conditions clearly specified. These conditions were not complied with on the part of the beneficiaries, and therefore the State was never called upon to furnish the promised aid. By chapter 73, Acts of 1872, the time for the construction of this company's road was extended, and it is now intimated that this extension of time was supposed to carry with it an extension of the state loan. This alleged supposition appears to me incredible. It certainly has no warrant in what was done by your predecessors. The bill introduced at the instance of the officers or agents of the company asked for nothing but an extension of time for the construction of their line; it is a fact of official record that neither the legislature nor its appropriate committee was ever informed that an extension of the aid granted by the law of 1868 was desired; and the Act as passed without debate and laid before the executive for his approval, related solely and explicitly to the construction of the road. The members of your honorable body are as competent as I am to judge whether a railway grant of this magnitude would have been conceded by the last general court without opposition from any quarter; but I may say that the executive would have declined to give his signature to the Act of March, 1872, had there been the least cause for suspecting that any loan was thereby extended or revived. On a careful consideration of all the circumstances bearing upon the question, I am forced to the conclusion that this corporation has no claim in equity which it is incumbent on us to recognize.

Doubtless it will be urged that steps have been taken

to build its road in the expectation that aid would be received from the State. For such expectations, if they are or have been entertained, neither the legislature nor the executive of last year is responsible; and by the exercise of reasonable prudence, any one interested could readily have ascertained that they were not well founded. One such person applied at the executive department shortly after the adjournment of the legislature, to know if it would be held that the Act of March, 1872, carried with it the state aid of 1868, and at his request the executive obtained the opinion of the attorney-general of the Commonwealth upon the question presented. That opinion was in the negative, and it was communicated from this department to the person inquiring, with the statement that the action of the governor and council would be based thereon, if formal application was made for state aid. If any one connected with the road was not informed of these facts, it must have been because no effort was made to ascertain them. Whether the persons chosen to administer the trusts of the corporation deliberately sought to make up a case on which to appeal to the legislature, or whether they have been guilty of nothing worse than negligence in the discharge of their duties, are questions I do not assume to answer. But in either view, I fail to see that the public treasury should suffer from their acts.

I am thus explicit in directing attention to the course of affairs last year with respect to this railway company, that the character of the measure now submitted for my approval may be seen in its true relations. I cannot regard it as other than a new proposition for the Commonwealth to loan its credit. If the Lee and New Haven road should receive aid from the state funds, it is hard to conceive of any railway project that would not have a claim equally as strong. However valuable this line may be as a means of local development, it is one in which the State at large has a minimum of interest. If the security offered by its directors is good, there can be no serious difficulty in raising the money required for the construction of the road from private sources. If it is not good, then most assuredly the State should not take it. It may be said that individuals specially interested in the line will be grievously disappointed if the desired aid of the Commonwealth is not forthcoming. No person can more deeply regret such disappointment than myself, but the

desires of the few should not blind our vision to the interests of the many. The few always and forever press their claims with ardor and tenacity that know no weariness. The many, the great majority, are silent and unobtrusive; and for this reason are entitled to our highest regard. Their welfare we ought neither to overlook nor forget.

Perhaps it will be held that the Lee and New Haven Railroad Company is entitled to consideration on the ground that it has already expended money in the construction of its line. Such expenditure, if any has been made, is in direct violation of law. Under chapter 383, Acts of 1871, no work could legally be done till the entire capital stock of the corporation, to the extent of at least fifteen thousand dollars per mile, had been unconditionally subscribed by responsible parties, nor until officers of the company had filed with the secretary of the Commonwealth a sworn certificate setting forth that twenty per centum of the par value of each and every share of stock had been paid into the company's treasury. Substantially the same provisions as those of this Act have been in our statute books for more than twenty years, and there can be no valid excuse for a violation of them at this late day. But it appears to have been stated before a committee of your honorable body, by agents or officers of the company seeking the legislation now proposed, that the capital stock of the corporation is \$375,000, and that about twenty-five miles of its projected road is in this Commonwealth, while it is shown that but about \$340,000 had been subscribed to its capital stock at the time when it is alleged work began on its road. And, moreover, though it is also stated that the contractors commenced operations so long ago as last October, the corporation has not yet filed with the secretary of the Commonwealth the required certificate of a twenty per centum payment on subscriptions, and the exhibit of its affairs to your committee compels me to the conclusion that no such payment was made before work began. There does not seem to be any reason why special favors should be granted to a company which thus disregards peremptory provisions of general law, originally enacted in 1852, retained in the General Statutes of 1860, and more stringently reenacted two years ago.



I deplore the necessity which constrains me to differ from the general court in reference to the measure under consideration. If I looked upon it as of minor consequence, I should not permit myself to trouble you with this communication. But I have a clear and decided conviction that the incorporation of it into our statute books would be detrimental in no small degree to the best interests of the State, and I should be unfaithful to the trusts imposed upon me by the people if I allowed myself to become a party to its enactment. I therefore feel compelled to return the bill without my signature.



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# CHANGE OF NAMES.

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## CHANGE OF NAMES OF PERSONS.

[In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties.]

### SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1872.</b>			
Jan. 1, . . .	Ann Elizabeth Johnson,*	Martha Robinson, . . .	Boston.
1, . . .	William Henry Parsons,*	William Henry Simpson, . . .	Sudbury.
1, . . .	Josephine Swain,* . . .	Josephine Swain Osgood, . . .	Guilford, N. H.
15, . . .	Minnie Hill Myrick,* . . .	Minnie Hill Myrick Burke, . . .	Lewiston, Maine.
29, . . .	Child of Anna McKinnan,*	Gracie Evelyn Blaisdell, . . .	Newton.
Feb. 19, . . .	Annie Bregan,* . . .	Annie Connor, . . .	Boston.
19, . . .	Mary Jane Bregan,* . . .	Mary Jane Connor, . . .	Boston.
19, . . .	Sarah Bregan,* . . .	Sarah Connor, . . .	Boston.
26, . . .	Annie Nelvena Grant, . . .	Anne Nellie Beaman, . . .	Boston.
26, . . .	Mary Estella Lewis,* . . .	Mary Stella Came, . . .	Brunswick, Me.

Mar.	4,	.	.	Evelyn Louis Menni Bonn,*	.	Evelyn Bonn Goodsell,	.	Taunton.
	18,	.	.	Child of Catharine Kerrigan,*	.	William Jacobs,	.	Boston.
Apr.	29,	.	.	Frederick Franklin Allen,*	.	Frederick Franklin Beaman,	.	Canton, Me.
June	3,	.	.	Adelaide Johnston,*	.	Ada Fisher,	.	Boston.
	10,	.	.	Nicolay Tysland Johnson,*	.	Nicolay Tysland Legranger,	.	Boston.
Aug.	5,	.	.	Ann Elizabeth Fay,*	.	Ann Elizabeth Wilson,	.	Boston.
	12,	.	.	Annie Cavanagh,*	.	Annie Bell,	.	Boston.
	12,	.	.	Emma Elizabeth Hudson,*	.	Emma Elizabeth Jenkins,	.	Boston.
	19,	.	.	Edward Hill Judkins,	.	Edward Judkins Hill,	.	Boston.
Oct.	7,	.	.	William Soule,*	.	William Regal,	.	Duxbury.
	14,	.	.	Rosa Dunn,*	.	Catharine Esther Beecher,	.	Boston.
	14,	.	.	Catherine Coughlan Robinson,*	.	Catherine Coughlin,	.	Boston.
	14,	.	.	Lucy Gardner,*	.	Lucy Jane Sanborn,	.	Boston.
	28,	.	.	Charlotte Augusta Betcher,*	.	Lottie Betcher Drew,	.	Boston.
	28,	.	.	Annie Cleopatria Howard,*	.	Annie Cleopatria Jones,	.	Lynn.
Nov.	4,	.	.	Mary Elizabeth Leonard,*	.	Gertrude Maud Melville,	.	Boston.
Dec.	2,	.	.	Charles Wayland Edwards,	.	Charles Willard Carter,	.	Boston.
	2,	.	.	Lucy Ella Howe Edwards,	.	Lucy Ella Howe Carter,	.	Boston.
	2,	.	.	James Melvin Edwards,	.	James Melvin Carter,	.	Boston.

\* Names changed by reason of adoption.

## SUFFOLK COUNTY—CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1872.</b>			
Dec. 30, . . .	Jane Brewer,* . . . . .	Emma Anna Cash Hogan, . . .	Cambridge.
30, . . .	Katie Dana,* . . . . .	Katie Neale Dana, . . . . .	Scituate.
30, . . .	Elizabeth Dury,* . . . . .	Annie Proctor, . . . . .	Bridgewater.

## ESSEX COUNTY.

Feb. 6, . . .	Frank Herbert Frye,* . . . . .	Frank Frye Buxton, . . . . .	Salem.
6, . . .	Fred L. Frye,* . . . . .	Fred Frye Getchell, . . . . .	Salem.
6, . . .	Lula A. Frye,* . . . . .	Lula Frye Symonds, . . . . .	Salem.
6, . . .	William H. Gilson, . . . . .	Samuel H. Gilson, . . . . .	Gloucester.
6, . . .	Laura Antoinette Maben,* . . . . .	Laura Antoinette Maben Kinney, . . .	Saugus.
20, . . .	Alphonsus Hallowell,* . . . . .	Alphonsus Bowes, . . . . .	Methuen.
20, . . .	Florence Hammond,* . . . . .	Florence Allen, . . . . .	Lynn.
20, . . .	Maggie S. Winston,* . . . . .	Maggie S. Gray, . . . . .	Newburyport.
Mar. 5, . . .	Arthur I. Lovett,* . . . . .	Arthur Willis Edwards, . . . . .	Beverly.
12, . . .	Mary Jones,* . . . . .	Nellie B. Giles, . . . . .	Lawrence.
19, . . .	Richard Conway, . . . . .	John Charles Fowler, . . . . .	Lynn.

Mar. 19,	Josie Emma Ross,*	.	.	Josie Emma Badger,	.	.	Boxford.
19,	Lizzie Ellen Ross,*	.	.	Lizzie Ellen Badger,	.	.	Boxford.
Apr. 2,	Ellen Driscoll,*	.	.	Ellen Moore,	.	.	Salisbury.
May 21,	Daniel Burns,*	.	.	Daniel Carr, 3d,	.	.	Lawrence.
21,	Lydia Ancy Hoag,	.	.	Amy Breed Hoag,	.	.	Lynn.
June 4,	Nellie Bailey,*	.	.	Ida Ella Johnson,	.	.	Lynn.
11,	Mina Florence Revere,*	.	.	Mina Florence Worthing,	.	.	Lawrence.
18,	Betsy Jackman Cheney,	.	.	Maria Hale Cheney,	.	.	Newburyport.
Sept. 3,	Ernest Allen,*	.	.	William Henry Cripps,	.	.	Saugus.
10,	Annie Osgood Stickney,*	.	.	Annie Osgood Saunders,	.	.	Lawrence.
Nov. 5,	Joseph Martin Plaice,*	.	.	Joseph Martin Jones,	.	.	Lynn.
5,	Luella Stone,*	.	.	Luella Rich,	.	.	Lynn.
12,	Mariah Doe Cann,*	.	.	Lillian Mabel Couch,	.	.	Lawrence.
19,	Jennie A. Tilton,	.	.	Jennie A. Ordway,	.	.	Bradford.
Dec. 17,	Joseph Albert Corey,*	.	.	Joseph Albert Roberts,	.	.	Salisbury.

## MIDDLESEX COUNTY.

Jan. 2,	Eveline Coe,*	.	.	Maud Draper Downs,	.	.	Ashland.
23,	Herbert Gillis,*	.	.	Herbert Boynton Sanger,	.	.	Natick.

\* Names changed by reason of adoption.

## MIDDLESEX COUNTY—CONCLUDED.

Date of Decree.	Original Name.	Name Deceased.	Residence.
<b>1872.</b>			
Jan. 23, . . .	Emma Addie Ryan,*	Emma Addie Clayton, .	Charlestown.
Feb. 13, . . .	Mary Ellen Moynihan,*	Mary Ellen Grimes, .	Acton.
13, . . .	Flora Ann Temple,	Florence Eugenie Temple,	Marlborough.
27, . . .	Kate Keenan,*	Kate McFarlin, .	Lowell.
27, . . .	Elmer Ellsworth Rollins,*	George Elmer Barnard, .	Lowell.
Mar. 12, . . .	William Brown,*	William Edwin Rogers, .	Charlestown.
12, . . .	Mary Emma Brown,*	Mary Emma Lewis, .	Lowell.
12, . . .	Helena Coke,*	Mabel Grace Foster, .	Malden.
12, . . .	John Francis Mears,*	Manfred Marshall, .	Melrose.
26, . . .	Michael Ball,*	Francis Maley, .	Stonham.
Apr. 2, . . .	Georgie Gertrude Rogers,*	Georgie Gertrude Burbank, .	Charlestown.
23, . . .	Georgie Mabel Streeter,*	Georgie Mabel Jacobs, .	Marlborough.
May 7, . . .	Mary Chesman,*	Mary Evaline Hutchinson,	Cambridge.
7, . . .	Axie L. Comey,*	Axie Comey Palmer, .	Hopkinton.
7, . . .	Mary Lucinda Clark,*	Mary Lucinda Paddleford,	Holliston.
14, . . .	Thomas G. Collins,	Thomas George Otte, .	Waltham.
June 11, . . .	Frederick Ward,*	Freddie A. Morse, .	Hopkinton.



July 9, . . .	George S. Morrison,*	. . .	George Young Allen,	. . .	Cambridge.
16, . . .	Edward B. McFarland,*	. . .	Edward Brewer Martin,	. . .	Lowell.
23, . . .	Alfred B. Morse,*	. . .	Willie Henry Edson,	. . .	Charlestown.
Sept. 3, . . .	Jane Hinman,	. . .	Jane Damon, .	. . .	North Reading.
3, . . .	Mary Jane Hinman,	. . .	Mary Jane Damon,	. . .	North Reading.
3, . . .	Frederick Damon Hinman,	. . .	Frederick Damon, .	. . .	North Reading.
3, . . .	Eva Hannah Hinman,	. . .	Eva Hannah Damon,	. . .	North Reading.
17, . . .	An Infant,*	. . .	Abby P. Waldo,	. . .	Lowell.
24, . . .	Mary Elizabeth Gonlette,*	. . .	Mary Lester McKey,	. . .	Everett.
Oct. 22, . . .	Benjamin Baldwin,	. . .	Benjamin Chase Baldwin,	. . .	Lowell.
22, . . .	Jane Mahoney,	. . .	Jane Manning,	. . .	Waltham.
Nov. 12, . . .	Amie Kams,*	. . .	Winifred Glover,	. . .	Cambridge.
12, . . .	Lizzie A. McBaine,*	. . .	Lizzie Woodworth,	. . .	Lowell.
Dec. 10, . . .	Mary Tyler Peabody,	. . .	Mary Cranch Peabody, .	. . .	Concord.

## WORCESTER COUNTY.

Jan. 2, . . .	Frances A. Lewis, .	. . .	Caro Frances Gouling, .	. . .	Worcester.
Feb. 20, . . .	Margaret Rosalla McCormie, .	. . .	Margaret Rosalla Howe,	. . .	Spencer.

\* Names changed by reason of adoption.

## CHANGE OF NAMES.

## WORCESTER COUNTY—CONCLUDED.

Date of Decree.	Original Name.	Name Deceased.	Residence.
<b>1872.</b>			
Feb. 20, . . .	Gertrude Amey Jackson,	Gertrude Amey Knight,	Douglas.
20, . . .	Edwin Ames Herrick,	Edwin Herrick Ames,	Worcester.
Mar. 5, . . .	Mary Williams Russell,	Lizzie Mary Walker,	Leominster.
5, . . .	Mary R. Haworth,	Mary Louise Davis,	Leominster.
5, . . .	Alfred Fuller Smith,	Alfred Wadsworth Dana,	Worcester.
5, . . .	Daniel Wilbur Morse,	Wilbur Frances Morse,	Worcester.
19, . . .	Clarence Arthur Warren,	Silas Gleason Warren,	Leicester.
19, . . .	Charles Henshaw Smith,	Charles Henshaw Dana,	Worcester.
19, . . .	Charles Frederic Archer,	Charles Frederic Waldo Archer,	Worcester.
Apr. 2, . . .	Ada Wilson,	Lillian Mabel Magoun,	Worcester.
2, . . .	Julia Sullivan,	Julia Collins,	Worcester.
2, . . .	Annie Sullivan,	Annie Collins,	Worcester.
2, . . .	Lena Elizabeth Thomas,	Lena Elizabeth Farwell,	Worcester.
2, . . .	Abbie Bullard Boardman,	Abbie Bullard Drury,	Fitchburg.
2, . . .	Martha E. Dyer,	Martha E. Felton,	Spencer.
16, . . .	Willie Gilmore Sargent,	Willie Gilmore Clark,	Clinton.
16, . . .	Georgianna S. Warren,	Georgianna Seager Parks,	Hubbardston.
			Shrewsbury.

Apr. 16,	.	James Harrigan,	.	.	.	James Harrington,	.	.	West Boylston.
23,	.	Frances Aldrich,	.	.	.	Grace Mabelle Carter,	.	.	Leominster.
23,	.	Fannie S. Martain,	.	.	.	Fannie Martain Pitts,	.	.	Leominster.
June 4,	.	Harriet Adelaide Macomber,	.	.	.	Harriet Addie Richardson,	.	.	Royalston.
Sept. 3,	.	Mary Ann McGill,	.	.	.	Mary Ann Oakes,	.	.	Harvard.
10,	.	William O'Donnell,	.	.	.	William Barlow,	.	.	Milford.
17,	.	Emma Crapo,	.	.	.	Jessie Willard Freeman,	.	.	Westborough.
Oct. 15,	.	Alice Reed,	.	.	.	Gracie Alice Lagard,	.	.	Worcester.
15,	.	Pasquale Anastace,	.	.	.	Joseph Ansello,	.	.	Worcester.
Nov. 5,	.	Eliza Ann Converse,	.	.	.	Eliza Ann Lamson,	.	.	Worcester.
19,	.	Unknown,	.	.	.	Bertha Josephine Hopkins,	.	.	Worcester.
Dec. 17,	.	Linda Burt,	.	.	.	Nellie Jane Emmons,	.	.	Douglas.

## HAMPSHIRE COUNTY.

Jan. 2,	.	Susie Grout,*	.	.	.	Minnie M. Childs,	.	.	Williamsburg.
2,	.	Henry Gray,*	.	.	.	Henry Surrell,	.	.	Williamsburg.
Apr. 2,	.	Hattie McIntire,*	.	.	.	Mary Frances Baker,	.	.	Northampton.
2,	.	John Elgin Pike,	.	.	.	John Elgin Williams,	.	.	Amherst.

\* Minors; names changed by reason of adoption.

## HAMPSHIRE COUNTY—CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1872.</b>			
Apr. 2, . . .	James Harbottle, . . .	James Edmonds, . . .	Ware.
2, . . .	Sarah Helen Harbottle, . . .	Sarah Helen Edmonds, . . .	Ware.
2, . . .	Charles Frederick Harbottle, . . .	Charles Frederick Edmonds, . . .	Ware.
2, . . .	Albert William Harbottle, . . .	Albert William Edmonds, . . .	Ware.
2, . . .	Mary Florence Harbottle, . . .	Mary Florence Edmonds, . . .	Ware.
June 4, . . .	Katie Russell,* . . .	Katie Russell Fairchild, . . .	Easthampton.
4, . . .	Emma Doll,* . . .	Emma Doll Dewey, . . .	Huntington.
July 2, . . .	Albert Gardner,* . . .	Henry Silas Morgan, . . .	Greenwich.
Nov. 6, . . .	Mary Eugenia Bradley,* . . .	Mary Eugenia Dawes, . . .	Cummington.
Dec. 3, . . .	Roxana Voilette,* . . .	Roxana Lafleur, . . .	Northampton.

## HAMPDEN COUNTY.

Feb. 6, . . .	Mary Ann Doyle, . . .	Mary Ann Kelly, . . .	Holyoke.
Mar. 5, . . .	Jesse M. Edwards, . . .	Frank Edwards Gibson, . . .	Holyoke.
Apr. 2, . . .	Louisa Smith, . . .	Anna Louisa Barton, . . .	Springfield.

June 18, . . .	Hattie Cady, . . .	Hattie Williams, . . .	Westfield.
Dec. 17, . . .	Lewis Forron, . . .	Frank Lewis Holcomb, . . .	Southwick.
FRANKLIN COUNTY.			
Feb. 6, . . .	Everett Newell,* . . .	Everett Newell Dickinson, . . .	Bernardston.
6, . . .	Rosaline Estella Cole,* . . .	Rosaline Estella Abell, . . .	Conway.
13, . . .	James S. Clark,* . . .	George Everett Taylor, . . .	Shelburne.
Mar. 12, . . .	Mary Jane Turner,* . . .	Clara Jennie Wright, . . .	Ashfield.
5, . . .	Henry Culver Bigelow,* . . .	Henry Allen Steele, . . .	Shelburne.
Apr. 2, . . .	Merrill Austin Moore,* . . .	Merrill Austin Holton, . . .	Montague.
2, . . .	Caroline Elizabeth Moore,* . . .	Caroline Elizabeth Holton, . . .	Montague.
2, . . .	Parthenia Porter,* . . .	Mattie Culver, . . .	Shelburne.
May 28, . . .	Clarence Windsor Woodward,* . . .	Clarence Windsor Warl, . . .	Buckland.
28, . . .	Wesley L. Bigelow,* . . .	Wesley L. Culver, . . .	Shelburne.
28, . . .	Mary E. Bigelow,* . . .	Mary E. Culver, . . .	Shelburne.
July 2, . . .	Emma Tyler Ward,* . . .	Emma Willard Tyler, . . .	Greenfield.
Aug. 6, . . .	Ida J. Shannon,* . . .	Ida J. Richardson, . . .	Deerfield.

\* Names changed by reason of adoption.

## CHANGE OF NAMES.

## BERKSHIRE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1872.</b>			
Apr. 5, . . .	Clara J. Montgomery, . . .	Clara J. Brown, . . .	Adams.
May 7, . . .	James Melville Anthony, . . .	James Melville Davis, . . .	Pittsfield.
8, . . .	Olive C. Scott, . . .	Olive C. Palmer, . . .	Alford.
July 16, . . .	Edgar Preston, . . .	Edgar Preston Fairbanks, . . .	Pittsfield.
16, . . .	William J. Mufti, . . .	William J. Meleer, . . .	Adams.
Nov. 6, . . .	Mary Angeline Bishop, . . .	Mary Bishop Curtis, . . .	Stockbridge.
Dec. 3, . . .	Thomas Henry Keating, . . .	Thomas Henry Gordon, . . .	Peru.

## NORFOLK COUNTY.

Feb. 21, . . .	Catharine Flanagan, . . .	Catharine Frances Swan, . . .	Brookline.
Mar. 6, . . .	George Winslow Hardwick, . . .	George Henry Hardwick, . . .	Quincy.
July 3, . . .	Frank Fuller Saul, . . .	Frank Edward Fuller, . . .	Quincy.
Jan. 10, . . .	George Terrell, * . . .	George Edwin Coleman, . . .	Burlington, Vt.
Feb. 14, . . .	Frances Lincoln Parrott, * . . .	Anna Frances Comey, . . .	Quincy.
14, . . .	— — — Ware, * . . .	George Wallaston Walker, . . .	Boston.
28, . . .	Margaret McClellan, * . . .	Marnie Vinal Brooks, . . .	Lawrence.

## BRISTOL COUNTY.

Apr. 10, . . .	Fannie Gertrude Swears,* . . .	Fannie Gertrude Pierce, . . .	Weymouth.
Sept. 11, . . .	Edwin E. Young,* . . .	Edwin S. Morrill, . . .	Boston.
Oct. 2, . . .	Silas William Henry How,* . . .	Harry Mariot, . . .	Needham.
2, . . .	Rosa Lena How,* . . .	Lena Foster, . . .	Needham.
Jan. 19, . . .	Ada May Palmer, . . .	Ada May Hodgson, . . .	Mansfield.
Feb. 2, . . .	Susan Maria Chase, . . .	Maria Louise Taber, . . .	Acushnet.
Mar. 1, . . .	Charles S. C. Pierce, . . .	Charles Stephen Chace, . . .	Swansey.
Apr. 5, . . .	Melissa Gifford, . . .	Melissa Gifford Lawton, . . .	Dartmouth.
19, . . .	Nameless, . . .	Jennie May Fuller, . . .	Attleborough.
June 7, . . .	Nameless, . . .	Lena Clark Bliss, . . .	New Bedford.
Aug. 2, . . .	Charles Franklin Chace, . . .	Charles Franklin Gifford, . . .	New Bedford.
Sept. 6, . . .	Caroline Brewer, . . .	Olive J. Iladwin, . . .	Fall River.
6, . . .	Hannah Reagan, . . .	Hannah R. O'Neil, . . .	Fall River.
6, . . .	Arthur Almy Pickering, . . .	Arthur Pickering Almy, . . .	Fall River.
Oct. 4, . . .	Felix Chaquette, . . .	Felix Donelson, . . .	Fall River.
Nov. 1, . . .	Sarah A. Chace, . . .	Sarah Candace French, . . .	New Bedford.

\* Names changed by reason of adoption.

## BRISTOL COUNTY—CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1872.</b>			
Nov. 1, . . .	Susan Leonora Townsend, . . .	Susan Worcester Alden, . . .	Fall River.
Dec. 6, . . .	Georgianna W. Clark, . . .	Georgianna W. Vaughn, . . .	Taunton.

## PLYMOUTH COUNTY.

Feb. 12, . . .	William Bullen,* . . .	Frank Souther, . . .	Hingham.
12, . . .	Lottie M. Hersey,* . . .	Annie Louise Shedd, . . .	Bridgewater.
Mar. 25, . . .	Mary R. Lincoln,* . . .	Mary Rebecca Shephard, . . .	Middleboro'.
Apr. 8, . . .	Mary Elizabeth Haley,* . . .	Mary Elizabeth Thompson, . . .	Marshfield.
Nov. 25, . . .	Euphenia Hector,* . . .	Nellie Josephine Gardner, . . .	Bridgewater.
25, . . .	Georgianna F. Reynolds,* . . .	Georgianna F. Packard, . . .	N. Bridgewater.
Jan. 22, . . .	Annie McDonald,* . . .	Annie Conry, . . .	Abington.
Mar. 11, . . .	Eliza W. Skiff, . . .	Eliza W. Cowen, . . .	Rochester.



## D U K E S C O U N T Y .

Jan. 15, . . .	Agusta Lewis,	. . . . .	Agusta Helt, . . .	. . . . .	Tisbury.
Dec. 2, . . .	Willie F. Simpson,	. . . . .	Willie F. Saunders,	. . . . .	Tisbury.
2, . . .	Eliza Ann Simpson,	. . . . .	Eliza Ann Spencer,	. . . . .	Tisbury.

## N A N T U C K E T C O U N T Y .

Sept. 12, . . .	Charles Macy,	. . . . .	Charles H. Macy, . . .	. . . . .	Nantucket.
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\* Names changed by reason of adoption.



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THE  
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH FOR  
THE POLITICAL YEAR

**1873.**

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# EXECUTIVE DEPARTMENT.

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HIS EXCELLENCY

WILLIAM B. WASHBURN,  
GOVERNOR.

SIDNEY ANDREWS, *Private Secretary.*

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HIS HONOR

THOMAS TALBOT,  
LIEUTENANT-GOVERNOR.

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COUNCIL—(BY DISTRICTS).

I.—ALFRED MACY.  
II.—SETH TURNER.  
III.—MILO HILDRETH.  
IV.—RUFUS S. FROST.

V.—DANIEL H. STICKNEY.  
VI.—JONATHAN B. WINN.  
VII.—GEORGE WHITNEY.  
VIII.—EDWIN CHASE.

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OLIVER WARNER,

SECRETARY OF THE COMMONWEALTH.

CHARLES W. LOVETT, *1st Clerk.*

BENJAMIN C. PIPER, *2d Clerk.*

CHARLES ADAMS, JR.,

TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.*

ARTEMAS HARMON, *2d Clerk.*

CHARLES ENDICOTT,

AUDITOR.

EDWARD S. DAVIS, *1st Clerk.*

AUGUSTUS BROWN, *2d Clerk.*

CHARLES R. TRAIN,

ATTORNEY-GENERAL.

WILLIAM G. COLBURN, *Assistant Attorney-General.*

# LEGISLATIVE DEPARTMENT.

## GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1866.

## SENATE.

*President*—GEORGE B. LORING.

District.	Name of Senator.	Residence.
First Suffolk, . .	Henry S. Washburn, . .	Boston.
Second “ . .	Martin Griffin, . .	Boston.
Third “ . .	Francis W. Jacobs, . .	Boston.
Fourth “ . .	Julius K. Banister, . .	Boston.
Fifth “ . .	William H. Learnard, Jr., .	Boston.
Sixth “ . .	Robert Johnson, . .	Boston.
First Essex, . .	George D. Whittle, . .	Lynn.
Second “ . .	George B. Loring, . .	Salem.
Third “ . .	Nathan W. Harmon, . .	Lawrence.
Fourth “ . .	David T. Woodwell, . .	Newburyport.
Fifth “ . .	Newell Giles, . .	Rockport.
First Middlesex, .	Edward Lawrence, . .	Charlestown.
Second “ . .	Joseph S. Potter, . .	Arlington.
Third “ . .	Robert O. Fuller, . .	Cambridge.
Fourth “ . .	Newton Morse, . .	Natick.
Fifth “ . .	Levi Wallace, . .	Pepperell.

SENATE.

District.	Name of Senator.	Residence.
Sixth Middlesex, . .	Carroll D. Wright, . . .	Reading.
Seventh " . .	Jeremiah Clark, . . .	Lowell.
First Worcester, . .	George F. Thompson, . .	Worcester.
Second " . .	Samuel M. Griggs, . . .	Westborough.
Third " . .	Henry L. Bancroft, . . .	Millbury.
Fourth " . .	N. L. Johnson, . . .	Dana. *
Fifth " . .	George A. Torrey, . . .	Fitchburg.
First Hampden, . .	Timothy F. Packard, . .	Monson.
Second " . .	William Whiting, . . .	Holyoke.
Hampshire, . .	Rufus D. Woods, . . .	Enfield.
Franklin, . . .	John D. Todd, . . .	Conway.
Berkshire, . .	Edward Learned, . . .	Pittsfield.
Berksh'e & Hampsh'e,	Prentiss C. Baird, . . .	Lee.
First Norfolk, . .	Moody Merrill, . . .	Boston.
Second " . .	Charles H. French, . . .	Canton.
Third " . .	Erastus P. Carpenter, . .	Foxborough.
First Plymouth, . .	George W. Lobdell, . . .	Mattapoisett.
Second " . .	Lloyd Parsons, . . .	Bridgewater.
Norfolk & Plymouth,	Jedediah Dwelley, . . .	Hanover.
First Bristol, . .	James Brown, . . .	Taunton.
Second " . .	Isaac H. Coe, . . .	New Bedford.
Third " . .	Charles P. Stickney, . . .	Fall River.
Cape " . .	Joseph K. Baker, . . .	Dennis.
Island " . .	Francis A. Nye, . . .	Falmouth.

STEPHEN N. GIFFORD, *Clerk.*

EDWARD ABBOTT, *Chaplain.*  
JOHN MORISSEY, *Sergeant-at-Arms.*

## HOUSE OF REPRESENTATIVES.

*Speaker*—JOHN E. SANFORD.

## COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ James Smith, . Henry B. Hill, . Andrew M. Morton, .	Boston. Boston. Boston.
2d,	Boston, Ward 2,	{ Henry Splaine, . William Taylor, . Dennis Bonner, .	Boston. Boston. Boston.
3d,	Boston, Ward 3,	{ Stephen D. Salmon, Jr., William H. Cook, . Daniel A. Cronin, .	Boston. Boston. Boston.
4th,	Boston, Ward 4,	{ Barney Hull, . Alfred A. Clatur, . George G. Crocker, .	Boston. Boston. Boston.
5th,	Boston, Ward 5,	{ John W. Regan, . Roger H. Scannell, . Horace L. Bowker, .	Boston. Boston. Boston.
6th,	Boston, Ward 6,	{ Charles R. Codman, Francis B. Hayes, . Lewis Hayden, .	Boston. Boston. Boston.
7th,	Boston, Ward 7,	{ Hugh J. Toland, . John E. Fitzgerald, . Thos. F. Fitzgerald,	Boston. Boston. Boston.
8th,	Boston, Ward 8,	{ Lucius W. Knight, . Henry P. Shattuck, . Benjamin Heath, .	Boston. Boston. Boston.
9th,	Boston, Ward 9,	{ Francis D. Stedman, William Frost, .	Boston. Boston.
10th,	Boston, Ward 10,	{ John A. Nowell, . Samuel B. Hopkins, .	Boston. Boston.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF SUFFOLK—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11, . }	Daniel A. Patch, . John Bigelow, . Edward J. Jones, .	Boston. Boston. Boston.
12th,	Boston, Ward 12, . }	Liberty D. Packard, Henry W. Wilson, .	Boston. Boston.
13th,	{ Chelsea, . . . Revere, . . . Winthrop, . . .	Eustice C. Fitz, . John W. Fletcher, . Sumner Carruth, .	Chelsea. Chelsea. Chelsea.

## COUNTY OF ESSEX.

1st,	{ Salisbury, . . . Amesbury, . . . West Newbury, . }	Richard F. Briggs, . Charles W. Morrill, .	Amesbury. Salisbury.
2d,	{ Haverhill, . . . Bradford, . . . }	William E. Blunt, . George J. Dean, . Almond R. Lancaster, .	Haverhill. Haverhill. Haverhill.
3d,	{ Lawrence, . . . Methuen, . . . }	George E. Davis, . Horace C. Bacon, . Granville E. Foss, .	Lawrence. Lawrence. Methuen.
4th,	{ Andover, . . . North Andover, . }	Hiram Berry, . . .	N. Andover.
5th,	{ Georgetown, . . . Groveland, . . . Boxford, . . . }	Charles Perley, . . .	Boxford.
6th,	{ Newburyport, . . . Newbury, . . . }	Robert Couch, . . . George W. Clark, . . . Ben. C. Currier, . . .	Newburyport. Newburyport. Newburyport.
7th,	{ Ipswich, . . . Rowley, . . . }	John Perkins, . . .	Ipswich.
8th,	{ Gloucester, . . . Essex, . . . }	Addison Gilbert, . . . James G. Tarr, . . . Fitz E. Griffin, . . .	Gloucester. Gloucester. Gloucester.
9th,	Rockport, . . .	James W. Bradley, . . .	Rockport.
10th,	{ Beverly, . . . Manchester, . . . Hamilton, . . . }	Francis E. Porter, . . . Francis R. Allen, . . .	Beverly. Hamilton.



## COUNTY OF ESSEX—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	{ Danvers, . . . } { Wenham, . . . }	George J. Sanger, .	Danvers.
12th,	Peabody, . . .	Charles V. Hanson, .	Peabody.
13th,	{ Salem, Wards 1, 2 } { and 3, . . . }	Willard P. Phillips, . George Sanborn, .	Salem. Salem.
14th,	Salem, Wards 4 and 6	William A. Creesy, .	Salem.
15th,	{ Marblehead, and } { Ward 5, Salem, . }	Thomas Ingalls, . Richard H. Humphrey,	Marblehead. Marblehead.
16th,	{ Lynn, Ward 4, and } { Nahant, . . . }	Bowman B. Breed, .	Lynn.
17th,	Lynn, Wards 2 and 5,	Edward A. Berdige, .	Lynn.
18th,	{ Lynn, Ward 3, and } { Swampscott, . . }	Oliver M. Stacey, .	Lynn.
19th,	{ Lynn, Wards 1, 6 } { and 7, . . . }	Walter B. Allen, .	Lynn.
20th,	{ Saugus, . . . } { Lynnfield, . . . } { Middleton, . . . } { Topsfield, . . . }	Jacob B. Calley, .	Saugus.

## COUNTY OF MIDDLESEX.

1st,	Charlestown, W'd 1,	Robert R. Wiley, .	Charlestown.
2d,	Charlestown, W'd 2, {	John Sampson, . I. W. Derby, . . .	Charlestown. Charlestown.
3d,	Charlestown, W'd 3, {	Andrew J. Bailey, . John H. Studley, .	Charlestown. Charlestown.
4th,	{ Somerville, . . . } { Malden,* . . . }	Quincy A. Vinal, . Alonzo H. Evans, . John H. Abbott, .	Somerville. Everett. Malden.
5th,	Medford, . . .	Benjamin F. Hayes, .	Medford.

\* Town of Everett incorporated March 9, 1870, embracing a portion of the town of Malden. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF MIDDLESEX—CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Arlington, . . } { Winchester, . . }	J. Winslow Peirce, .	Arlington.
7th,	{ Cambridge, Ward 1, } {                    Ward 5, }	George P. Sanger, .	Cambridge.
8th,	{ Cambridge, Ward 2, } {                    Ward 4, }	John W. Hammond, . Joshua B. Smith, . Asa P. Morse, .	Cambridge. Cambridge. Cambridge.
9th,	Cambridge, Ward 3,	Samuel W. McDaniel, .	Cambridge.
10th,	{ Newton, . . . } { Brighton, . . }	Ezra D. Winslow, . John W. Hollis, .	Newton. Brighton.
11th,	{ Watertown, . . } { Belmont, . . }	Henderson J. Edwards,	Watertown.
12th,	Waltham, . .	William Roberts, .	Waltham.
13th,	Natick, . . .	Simeon Hardy, .	Natick, . .
14th,	{ Holliston, . . } { Sherborn, . . }	John M. Batchelder,	Holliston, .
15th,	{ Hopkinton, . . } { Ashland, . . }	Moses L. Buck, .	Hopkinton.
16th,	Framingham, . .	Franklin H. Sprague,	Framingham.
17th,	Marlborough, . .	Edward L. Bigelow,	Marlborough.
18th,	{ Hudson, . . . } { Stow,* . . . } { Boxborough, . . } { Littleton, . . }	Daniel C. Fletcher, .	Littleton.
19th,	{ Acton, . . . } { Sudbury,* . . } { Wayland, . . }	Thomas P. Hurlbut,	Sudbury.
20th,	{ Concord, . . . } { Lincoln, . . . } { Weston, . . . }	John B. Moore, .	Concord.

\* Town of Maynard incorporated April 19, 1871, embracing portions of the towns of Stow and Sudbury. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

# HOUSE OF REPRESENTATIVES.

1003

## COUNTY OF MIDDLESEX—CONCLUDED.

District.	Town or Ward.	Name of Representative,	Residence.
21st,	{ Lexington, . . } Bedford, . . } Burlington, . . } Carlisle, . . }	Elijah Marion, .	Burlington.
22d,	Woburn, . . .	John Cummings, .	Woburn.
23d,	{ Stoneham, . . } Wakefield, . . } Melrose, . . }	Amos Hill, . . Richard Britton, .	Stoneham. Wakefield.
24th,	{ Reading, . . . } North Reading, . . } Wilmington, . . }	John S. Coney, .	No. Reading.
25th,	{ Chelmsford, . . } Billerica, . . } Tewksbury, . . }	George H. Whitman,	Billerica.
26th,	{ Lowell, Ward 1, . } " Ward 2, . } " Ward 6, . }	Joseph L. Sargent, . George A. Marden, .	Lowell. Lowell.
27th,	Lowell, Ward 3, .	William H. Loughlin,	Lowell.
28th,	Lowell, Ward 4, .	Edward F. Watson, .	Lowell.
29th,	Lowell, Ward 5, .	Jonathan Johnson, .	Lowell.
30th,	{ Dracut, . . . } Tyngsborough, . . } Dunstable, . . } Westford, . . }	J. Henry Read, .	Westford.
31st,	{ Groton,* . . . } Pepperell, . . }	Amos J. Saunders, .	Pepperell.
32d,	{ Townsend, . . . } Ashby, . . . } Shirley,* . . }	Samuel S. Haynes, .	Townsend.

## COUNTY OF WORCESTER.

1st,	{ Ashburnham, . . } Winchendon, . . }	Austin Whitney, .	Ashburnham.
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\* Town of Ayer incorporated February 14, 1871, embracing portions of the towns of Groton and Shirley. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

## COUNTY OF WORCESTER—CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Royalston, . . . } { Athol, . . . }	George H. Hoyt, .	Athol.
3d,	{ Gardner, . . . } { Templeton, . . . }	William N. Walker,	Templeton.
4th,	{ Petersham, . . . } { Dana, . . . } { Phillipston, . . . } { Hubbardston, . . . } { Barre, . . . } { Hardwick, . . . } { New Braintree, . . . }	Stephen D. Goddard, Charles A. Gleason,	Petersham. N. Braintree.
5th,	{ Westminster, . . . } { Fitchburg, . . . } { Lunenburg, . . . } { Leominster, . . . }	Rodney Wallace, . C. C. Field, . . . William Baker, .	Fitchburg. Leominster. Lunenburg.
6th,	{ Lancaster, . . . } { Bolton, . . . } { Harvard, . . . }	Augustus J. Sawyer,	Harvard.
7th,	{ Clinton, . . . } { Berlin, . . . } { Northborough, . . . }	John B. Parker, .	Northborough.
8th,	{ Sterling, . . . } { West Boylston, . . . } { Boylston, . . . }	Joseph W. Cross, .	W. Boylston.
9th,	{ Rutland, . . . } { Holden, . . . } { Princeton, . . . } { Oakham, . . . }	Asa H. Goddard, .	Princeton.
10th,	{ Worcester, Ward 1, } { " Ward 2, } { " Ward 3, } { " Ward 8, } { Paxton, . . . }	Samuel Winslow, . John Gates, . . . Timothy W. Wellington,	Worcester. Worcester. Worcester.
11th,	{ Worcester, Ward 4, } { " Ward 5, } { " Ward 6, } { " Ward 7, }	George P. Kendrick, Samuel E. Hildreth, Joseph A. Titus, .	Worcester. Worcester. Worcester.
12th,	{ Grafton, . . . } { Shrewsbury, . . . }	George H. Harlow, .	Shrewsbury.

## COUNTY OF WORCESTER—CONCLUDED.

District.	Town.	Name of Representative.	Residence.
13th,	{ Westborough, . Southborough, . }	William H. Buck, .	Southborough.
14th,	{ Northbridge, . Upton, . }	Emory A. Howard, .	Northbridge.
15th,	{ Milford, . Mendon, . Blackstone, . Uxbridge, . }	George B. Blake, . Henry C. Skinner, . John C. Scott, .	Milford. Milford. Blackstone.
16th,	{ Douglas, . Webster, . Dudley, . Oxford, . Sutton, . Millbury, . }	C. D. Morse, . Andrew J. Waters, . Samuel W. Heath, .	Millbury. Webster. Douglas.
17th,	{ Auburn, . Leicester, . Spencer, . Charlton, . Southbridge, . }	Chas. V. Carpenter, . Moses D. Woodbury,	Southbridge. Charlton.
18th,	{ Sturbridge, . Brookfield, . North Brookfield, . West Brookfield, . Warren, . }	Noah D. Ladd, . William B. Stone, .	Sturbridge. W. Brookfield.

## COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . Huntington, . Northampton, . Southampton, . Westhampton, . }	Lewis J. Dudley, . Elijah N. Woods, .	Northampton. Huntington.
2d,	{ Chesterfield, . Cummington, . Goshen, . Middlefield, . Plainfield, . Worthington, . }	Hiram Packard, .	Goshen.
3d,	{ Hadley, . Hatfield, . Williamsburg, . }	Franklin Bonney, .	Hadley.

## COUNTY OF HAMPSHIRE—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Amherst, . . . } South Hadley, . . . }	Henry Burt, . . .	Amherst.
5th,	{ Belchertown, . . . } Granby, . . . } Pelham, . . . }	Addison Burnett, . . .	Belchertown.
6th,	{ Enfield, . . . } Greenwich, . . . } Prescott, . . . } Ware, . . . }	Wales Aldrich, . . .	Prescott.

## COUNTY OF HAMPDEN.

1st,	{ Monson, . . . } Brimfield, . . . } Holland, . . . } Wales, . . . }	Thomas J. Morgan, . . .	Brimfield.
2d,	{ Palmer, . . . } Wilbraham, . . . }	James B. Shaw, . . .	Palmer.
3d,	{ Springfield, Ward 1, } " Ward 2, } " Ward 3, }	Charles R. Ladd, . . . H. M. French, . . .	Springfield. Springfield.
4th,	{ Springfield, Ward 4, } " Ward 6, }	A. L. Soule, . . .	Springfield.
5th,	{ Springfield, Ward 5, } " Ward 7, } " Ward 8, }	Henry W. Phelps, . . .	Springfield.
6th,	{ Holyoke, . . . } Chicopee, . . . } Ludlow, . . . }	Edward W. Chapin, . . . Wm. R. Kentfield, . . .	Holyoke. Chicopee.
7th,	{ Granville, . . . } Southwick, . . . } Agawam, . . . } West Springfield, . . . } Longmeadow, . . . }	Oliver Wolcott, . . . Aaron Bagg, . . .	Longmeadow. W. Springfield.
8th,	Westfield, . . .	Lewis R. Norton, . . .	Westfield.
9th,	{ Chester, . . . } Blandford, . . . } Montgomery, . . . } Russell, . . . } Tolland, . . . }	Francis W. Clark, . . .	Montgomery.

## COUNTY OF FRANKLIN.

District.	Town.	Name of Representative.	Residence.
1st,	{ Warwick, . . . } { Orange, . . . } { New Salem, . . . }	A. S. Atherton, .	Warwick.
2d,	{ Montague, . . . } { Sunderland, . . . } { Leverett, . . . } { Shutesbury, . . . } { Wendell, . . . }	Harrison O. Field, .	Leverett.
3d,	{ Greenfield, . . . } { Colrain, . . . } { Leyden, . . . } { Bernardston, . . . } { Gill, . . . } { Northfield, . . . } { Erving, . . . }	Elijah E. Belding, . William Stewart, .	Northfield. Colrain.
4th,	{ Deerfield, . . . } { Shelburne, . . . } { Whately, . . . } { Conway, . . . } { Ashfield, . . . } { Hawley, . . . }	George W. Bardwell, Charles Crittenden, .	Deerfield. Hawley.
5th,	{ Buckland, . . . } { Charlemont, . . . } { Heath, . . . } { Rowe, . . . } { Monroe, . . . }	Ezekiel D. Bement, .	Buckland.

## COUNTY OF BERKSHIRE.

1st,	{ Hancock, . . . } { Lanesborough, . . . } { New Ashford, . . . } { Williamstown, . . . }	Kirke E. Gardner, .	Hancock.
2d,	{ Adams, . . . } { Cheshire, . . . } { Clarksburg, . . . } { Florida, . . . } { Savoy, . . . }	William C. Plunkett, William F. Darby, .	Adams. Adams.
3d,	{ Dalton, . . . } { Pittsfield, . . . } { Richmond, . . . }	James M. Barker, . George Y. Learned,	Pittsfield. Pittsfield.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF BERKSHIRE—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Becket, . . . } { Hinsdale, . . . } { Peru, . . . } { Washington, . . . } { Windsor, . . . }	James L. White, .	Windsor.
5th,	{ Lenox, . . . } { Stockbridge, . . . } { West Stockbridge, . . . }	Marcus Truesdell, .	W. Stockbridge.
6th,	{ Lee, . . . } { Monterey, . . . } { Otis, . . . } { Tyringham, . . . }	Thomas M. Judd, .	Lee.
7th,	{ Alford, . . . } { Egremont, . . . } { Great Barrington, . . . } { Mount Washington, . . . }	Seymour B. Dewey,	Egremont.
8th,	{ New Marlborough, } { Sandisfield, . . . } { Sheffield, . . . }	Austin Hawley, .	Sandisfield.

## COUNTY OF NORFOLK.

1st,	Dedham,*† . . .	Frederick D. Ely, .	Dedham.
2d,	West Roxbury, . .	Robert Seaver, .	W. Roxbury.
3d,	{ Roxbury,† Ward 2, } { " Ward 3, } { " Ward 4, } { " Ward 5, }	Albert Palmer, . George Bartholmesz, . Brownell Granger, .	Boston. Boston. Boston.
4th,	Roxbury, Ward 1, .	Henry B. Chamberlain,	Boston.
5th,	Dorchester,* . . . {	Richardson Hutchinson, Albe C. Clark, . . . }	Boston. Boston.
6th,	Quincy, . . . .	James A. Stetson, .	Quincy.

\* Town of Hyde Park incorporated April 22, 1883, embracing portions of Districts 1, 5 and 11; Dorchester annexed to Boston in 1869. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

† Annexed to Boston in 1867. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

‡ Town of Norwood incorporated February 23, 1872, embracing portions of Dedham and Walpole. Suffrage rights unchanged, except for municipal purposes, until new apportionment.



## COUNTY OF NORFOLK—CONCLUDED.

District.	Town.	Name of Representative.	Residence.
7th,	Braintree, . . .	Rodolphus Porter, .	Braintree.
8th,	Weymouth, . . .	E. Atherton Hunt, . Joseph Dyer, . . .	Weymouth. Weymouth.
9th,	Randolph,* . . .	A. J. Gove, . . .	Randolph.
10th,	Stoughton, . . .	Adam Capen, Jr., .	Stoughton.
11th,	{ Canton, . . . } { Milton,† . . . } { Walpole,‡ . . . } { Sharon, . . . }	Willard Lewis, . Sanford Waters Billings, .	Walpole. Sharon.
12th,	{ Foxborough, . . . } { Wrentham,‡ . . . } { Medway,‡ . . . }	Alexis W. Ide, . . . George T. Ryder, . .	Medway. Foxborough.
13th,	{ Franklin,‡ . . . } { Bellingham, . . . }	John H. Fisher, . .	Franklin.
14th,	{ Needham, . . . } { Medfield, . . . } { Dover, . . . }	Amos W. Shumway, .	Dover.
15th,	Brookline, . . .	Austin W. Benton, .	Brookline.

## COUNTY OF BRISTOL.

1st,	Attleborough, . . .	Edward Sanford, .	Attleborough.
2d,	{ Mansfield, . . . } { Norton, . . . }	Andrew H. Sweet, .	Norton.
3d,	{ Easton, . . . } { Raynham, . . . }	George Copeland, .	Easton.
4th,	Taunton, . . .	John E. Sanford, . William R. Black, . Nathan B. Seaver, .	Taunton. Taunton. Taunton.

\* Town of Holbrook incorporated February 23, 1872, embracing a portion of the town of Randolph. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

† Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11.

‡ Town of Norfolk incorporated February 23, 1870, embracing portions of Wrentham, Franklin, Medway and Walpole. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF BRISTOL—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Seekonk, . . . Rehoboth, . . . Dighton, . . . Berkley, . . . }	Charles Talbot, .	Dighton.
6th,	{ Somerset, . . . Swansey, . . . Freetown, . . . }	William Dean, .	Freetown.
7th,	Fall River, . . .	{ George O. Fairbanks, Weaver Osborn, . Charles J. Holmes, . }	Fall River. Fall River. Fall River.
8th,	Westport, . . .	Giles E. Brownell, .	Westport.
9th,	Dartmouth, . . .	Benjamin F. Wing, .	Dartmouth.
10th,	{ New Bedford, W'ds 1, 2 and 3, . . . }	{ Isaac F. Sawtell, . William C. Parker, Jr., }	New Bedford. New Bedford.
11th,	{ New Bedford, W'ds 4, 5 and 6, . . . }	{ Elijah H. Chisholm, . Isaac D. Hall, . . . }	New Bedford. New Bedford.
12th,	{ Fairhaven, . . . Acushnet, . . . }	William H. Whitfield, .	Fairhaven.

## COUNTY OF PLYMOUTH.

1st,	{ Cohasset, . . . Scituate, . . . }	Joshua W. Davis, .	Cohasset.
2d,	{ Hingham, . . . Hull, . . . }	John Cushing, .	Hingham.
3d,	{ South Scituate, Hanover, . . . Hanson, . . . }	Calvin T. Phillips, .	Hanson.
4th,	{ Marshfield, . . . Pembroke, . . . Halifax, . . . }	David P. Hatch, .	Marshfield.
5th,	{ Duxbury, . . . Kingston, . . . }	Nahum Bailey, Jr., .	Kingston.

## COUNTY OF PLYMOUTH—CONCLUDED.

District.	Town.	Name of Representative.	Residence.
6th,	{ Plymouth, . . } { Carver, . . . } { Plympton, . . }	Albert Mason, . . Tisdale S. White, .	Plymouth. Plymouth.
7th,	{ Wareham, . . . } { Marion, . . . }	Peleg Blankinship, .	Marion.
8th,	{ Mattapoisett, . . } { Rochester, . . . } { Lakeville, . . . }	Geo. Purrington, Jr.,	Mattapoisett.
9th,	Middleborough, .	John Shaw, . . .	Middleboro'.
10th,	{ Bridgewater, . . } { West Bridgewater, . }	Lewis Holmes, . .	Bridgewater.
11th,	{ East Bridgewater, . } { North Bridgewater, . }	E. Loring Thayer, . Edward O. Noyes, .	N. Bridgewa'r. N. Bridgewa'r.
12th,	Abington, . . . }	Jesse E. Keith, . . Nathan S. Jenkins, .	Abington. Abington.

## COUNTY OF BARNSTABLE.

1st,	{ Barnstable,* . . } { Sandwich, . . . } { Falmouth, . . . } { Yarmouth, . . . }	John B. D. Cogswell, Nathaniel Sears, . Philip H. Robinson, .	Yarmouth. Barnstable. Sandwich.
2d,	{ Dennis, . . . } { Harwich, . . . } { Brewster, . . . }	Zoeth Snow, Jr., . David P. Howes, .	Brewster. Dennis.
3d,	{ Chatham, . . . } { Orleans, . . . }	Lot Higgins, . . .	Orleans.
4th,	{ Eastham, . . . } { Wellfleet, . . . } { Truro, . . . } { Provincetown, . . }	Reuben G. Sparks, . Thomas N. Stone, .	Provincetown. Wellfleet.

\* Town of Mashpee incorporated May 23, 1870, embracing the territory in Barnstable County known as the district of Marshpee. Suffrage rights unchanged, except for municipal purposes until new apportionment.

## HOUSE OF REPRESENTATIVES.

## DUKES COUNTY.

District.	Town.	Name of Representative.	Residence.
One.	{ <div>             Edgartown, . . .              Tisbury, . . .              Chilmark,* . . .              Gosnold, . . .           </div> }	David Mayhew, .	Tisbury.

## COUNTY OF NANTUCKET.

One.	Nantucket, . . .	Edward McCleave, .	Nantucket.
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CHARLES H. TAYLOR, *Clerk.*
 JOHN MORISSEY, *Serg't-at-Arms.*  
 ROBT G. SEYMOUR, *Chaplain.*

\* Town of Gay Head incorporated April 30, 1870, embracing the territory in Dukes County known as the District of Gay Head. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

# JUDICIAL DEPARTMENT.

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## SUPREME JUDICIAL COURT.

### CHIEF JUSTICE.

REUBEN A. CHAPMAN,\* *of Monson.*

### ASSOCIATE JUSTICES.

HORACE GRAY, JR., *of Boston.*

JOHN WELLS, *of Brookline.*

JAMES D. COLT, *of Pittsfield.*

SETH AMES, *of Brookline.*

MARCUS MORTON, *of Andover.*

WILLIAM C. ENDICOTT,† *of Salem.*

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## SUPERIOR COURT.

### CHIEF JUSTICE.

LINCOLN F. BRIGHAM, *of Salem.*

### ASSOCIATE JUSTICES.

JULIUS ROCKWELL, *of Lenox.*

OTIS P. LORD, *of Salem.*

EZRA WILKINSON, *of Dedham.*

JOHN P. PUTNAM, *of Boston.*

CHARLES DEVENS, JR., *of Worcester.*

FRANCIS H. DEWEY, *of Worcester.*

ROBERT C. PITMAN, *of New Bedford.*

JOHN W. BACON, *of Natick.*

WILLIAM ALLEN,‡ *of Northampton.*

\* Deceased June 25; vacancy not filled.

† Appointed under Chapter 40, Acts of 1873.

‡ Vice Henry A. Scudder, resigned August 22, 1872.

## JUDGES OF PROBATE AND INSOLVENCY.

ISAAC AMES, Boston, . . . .	SUFFOLK.
GEORGE F. CHOATE, Salem, . . . .	ESSEX.
GEORGE M. BROOKS, Concord, . . . .	MIDDLESEX.
HENRY CHAPIN, Worcester, . . . .	WORCESTER.
SAMUEL F. LYMAN, Northampton, . . . .	HAMPSHIRE.
WILLIAM S. SHURTLEFF, Springfield, . . . .	HAMPDEN.
CHESTER C. CONANT, Greenfield, . . . .	FRANKLIN.
JAMES T. ROBINSON, (North) Adams, . . . .	BERKSHIRE.
GEORGE WHITE, Needham, . . . .	NORFOLK.
WILLIAM H. WOOD, Middleborough, . . . .	PLYMOUTH.
EDMUND H. BENNETT, Taunton, . . . .	BRISTOL.
JOSEPH M. DAY, Barnstable, . . . .	BAINSTABLE.
JOSEPH T. PEASE, Edgartown, . . . .	DUKES.
JAMES M. BUNKER, Nantucket, . . . .	NANTUCKET.

## REGISTERS OF PROBATE AND INSOLVENCY.

PATRICK R. GUINEY, Boston, . . . .	SUFFOLK.
ABNER C. GOODELL, Salem, . . . .	ESSEX.
JOSEPH H. TYLER, Cambridge, . . . .	MIDDLESEX.
CHARLES E. STEVENS, Worcester, . . . .	WORCESTER.
LUKE LYMAN, Northampton, . . . .	HAMPSHIRE.
SAMUEL B. SPOONER, Springfield, . . . .	HAMPDEN.
FRANCIS M. THOMPSON, Greenfield, . . . .	FRANKLIN.
ANDREW J. WATERMAN, Lenox, . . . .	BERKSHIRE.
JONATHAN H. COBB, Dedham, . . . .	NORFOLK.
DANIEL E. DAMON, Plymouth, . . . .	PLYMOUTH.
WILLIAM E. FULLER, Taunton, . . . .	BRISTOL.
JONATHAN HIGGINS, Orleans, . . . .	BAINSTABLE.
HEBRON VINCENT, Edgartown, . . . .	DUKES.
SAMUEL SWAIN, Nantucket, . . . .	NANTUCKET.

## DISTRICT-ATTORNEYS.

J. WILDER MAY, Boston, . . . .	SUFFOLK.
JOHN B. GOODRICH, Newton, . . . .	NORTHERN.
EDGAR J. SHERMAN, Lawrence, . . . .	EASTERN.
ASA FRENCH, Braintree, . . . .	SOUTH-EASTERN.
GEORGE MARSTON, New Bedford, . . . .	SOUTHERN.
WILLIAM W. RICE, Worcester, . . . .	MIDDLE.
GEORGE M. STEARNS, Chicopee, . . . .	WESTERN.
WILLIAM S. B. HOPKINS, Greenfield, . . . .	NORTH-WESTERN.

## SHERIFFS.

JOHN M. CLARK, Boston, . . . .	SUFFOLK.
HORATIO G. HERRICK, Lawrence, . . . .	ESSEX.
CHARLES KIMBALL, Lowell, . . . .	MIDDLESEX.
AUGUSTUS B. R. SPRAGUE, Worcester, . . . .	WORCESTER.
HENRY A. LONGLEY, Northampton, . . . .	HAMPSHIRE.
ADDISON M. BRADLEY, Springfield, . . . .	HAMPDEN.
SOLOMON C. WELLS, Montague, . . . .	FRANKLIN.
GRAHAM A. ROOT, Pittsfield, . . . .	BERKSHIRE.
JOHN W. THOMAS, Dedham, . . . .	NORFOLK.
WILLIAM S. COBB, New Bedford, . . . .	BRISTOL.
JAMES BATES, Plymouth, . . . .	PLYMOUTH.
DAVID BURSLEY, Barnstable, . . . .	BARNSTABLE.
HOWES NORRIS, Edgartown, . . . .	DUKES.
JOSEPH McCLEAVE, Nantucket, . . . .	NANTUCKET.

## CLERKS OF COURTS.

GEORGE C. WILDE, Boston, Sup. Jud. Court, {	SUFFOLK, and by app't of Justices, for COM- MONWEALTH.
J. A. WILLARD, Boston, Superior Ct., Civil T., {	SUFFOLK.
HENRY HOMER, Boston, Criminal T., }	
ALFRED A. ABBOTT, Peabody, . . . .	ESSEX.
THEODORE C. HURD, Framingham, . . . .	MIDDLESEX.
JOSEPH MASON, Worcester, . . . .	WORCESTER.
WILLIAM P. STRICKLAND, Northampton, . . . .	HAMPSHIRE.
ROBERT O. MORRIS, Springfield, . . . .	HAMPDEN.
EDWARD E. LYMAN, Greenfield, . . . .	FRANKLIN.
HENRY W. TAFT, Pittsfield, . . . .	BERKSHIRE.
ERASTUS WORTHINGTON, Dedham, . . . .	NORFOLK.
SIMEON BORDEN, Fall River, . . . .	BRISTOL.
WILLIAM H. WHITMAN, Plymouth, . . . .	PLYMOUTH.
JAMES B. CROCKER, Yarmouth, . . . .	BARNSTABLE.
SAMUEL KENISTON, JR., Edgartown, . . . .	DUKES.
GEORGE W. JENKS, Nantucket, . . . .	NANTUCKET.

## MEMBERS OF THE FORTY-THIRD CONGRESS.

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[The Commonwealth as districted for members of Congress, Acts of 1872, Chap. 300.]

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## SENATORS.

CHARLES SUMNER, *of Boston.*GEORGE S. BOUTWELL, *of Groton.*

## REPRESENTATIVES.

DISTRICT I.—JAMES BUFFINTON, *of Fall River.*II.—BENJAMIN W. HARRIS, *of East Bridgewater.*III.—WILLIAM WHITING,\* *of Boston.*IV.—SAMUEL HOOPER, *of Boston.*V.—DANIEL W. GOOCH, *of Melrose.*VI.—BENJAMIN F. BUTLER, *of Gloucester.*VII.—E. ROCKWOOD HOAR, *of Concord.*VIII.—JOHN M. S. WILLIAMS, *of Cambridge.*IX.—GEORGE F. HOAR, *of Worcester.*X.—ALVAH CROCKER, *of Fitchburg.*XI.—HENRY L. DAWES, *of Pittsfield.*

\* Deceased June 29; vacancy not filled.



Commonwealth of Massachusetts.

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SECRETARY'S DEPARTMENT, BOSTON, }  
July 12, 1873. }

I hereby certify the printed Acts and Resolves contained in this volume to be true copies of the originals, and that the accompanying papers and other matters herewith are transcripts of official records and returns in this Department.

OLIVER WARNER,  
*Secretary of the Commonwealth.*



# I N D E X .

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## A.

	Page
Absentees from school, provisions concerning, . . . .	688, 708
Academy, Lenox, sale of real estate authorized, . . . .	543
“ Thayer, town of Braintree may raise funds for, . . . .	511
“ Worcester, number of trustees, . . . .	852
Accidents on Railroads, commissioners to investigate causes, . . . .	540
Actions against owners of railroads for labor and materials furnished in building, . . . .	877
Actions under laws relating to inland fisheries, when may be commenced, . . . .	559
Adams and Cheshire Reservoir Company, fish in pond of, to preserve, . . . .	543
Address of Governor to Legislature, . . . .	935
Adjutant-General, salary established, . . . .	912
Administering of oaths, mode of, . . . .	622
Administrators irregularly appointed; accountability, payments may be confirmed, S. J. Court may decree as to rights of parties interested, . . . .	684
“ may execute mortgages containing power of sale, . . . .	708
Advertisements, penalty for affixing to fences or natural scenery, . . . .	875
Advisory Board of State Industrial School, members created trustees, . . . .	593
Agents, Insurance, reimbursement of overpaid taxes to, . . . .	920
Agricultural Societies, certain, bounties to, . . . .	921
Agriculture, Board of, additional copies of report, . . . .	931
Ale, vote of towns on sale of, act authorizing repealed, . . . .	510
American Hide Seat Company in Rockport, name changed, . . . .	494
“ Print Works in Fall River, may enlarge wharf, . . . .	502
Annisquam Mutual Fire Insurance Company, charter extended, . . . .	536
Apollo Club of Boston, incorporated, . . . .	557

### APPROPRIATIONS:

#### *Maintenance of Government,—*

Supreme Judicial, Superior, Probate and Insolvency, Municipal, Police and District Courts, and District-Attorneys, salaries, . . . .	479
--	-----

#### *Maintenance of Government, additional,—*

Legislative, Executive, Secretary's, Treasurer's, Tax Commissioner's, Auditor's and Attorney-General's, Agricultural, Educational and Military Departments, Commissioners and Board of State Charities, . . . .	486
---	-----

## APPROPRIATIONS—Continued :

Page

<i>Maintenance of Government, farther additional,—</i>	
Legislative, Executive and Agricultural Departments, State Printing, Military, State House, Incidental, Contingent and Miscellaneous Expenses, . . . . .	513
for expenses authorized in 1872 and previous years, . . . . .	498
for expenses of 1873, viz.: State Almshouse, Prison and Workhouse, Reform, Industrial and Primary Schools, Charitable, Reformatory and Correctional, . . . . .	503
for expenses of 1873, certain, . . . . .	546, 859, 913
from Income of School fund, etc., applicable to educational purposes: for Board of Education, Normal Schools and pupils, Teachers' Institutes and Associations, . . . . .	639
for Bureau of Statistics of Labor, . . . . .	933
for completion of Hoosac Tunnel and its approaches . . . . .	869
for engineering expenses at Hoosac Tunnel, . . . . .	919
for erection of new Lunatic Hospital, . . . . .	637
for fitting up building for State Police, . . . . .	932
for use of lands for military encampments in 1872, . . . . .	920
for mileage and compensation of members and officers of Legislature, . . . . .	492
for Normal School at Worcester, appropriation of 1872 amended, for payment of general officers and staffs for 1872, . . . . .	589
for reprinting second volume of Provincial Laws, . . . . .	923
for suppression of contagious diseases among cattle, . . . . .	918
for Universal Exposition at Vienna, . . . . .	924
Aqueduct and Water Companies, certain, dissolved, . . . . .	919
Archives and land records, certain, transferred to State of Maine, . . . . .	842
Arlington Lake Water Company, purchase by town confirmed, . . . . .	931
Armament, Fifth Light Battery to be furnished with, . . . . .	640
Arrest of Poor Debtors on mesne process in actions of tort; on mesne process debtor may take oath without surrender by surety, . . . . .	932
Art School, State Normal, allowed for expenses, . . . . .	876
“ “ “ “ rooms assigned to, . . . . .	928
Assessment of Taxes on estates omitted in annual taxation, . . . . .	932
Assessors of Taxes, compensation increased, . . . . .	702
“ “ duties in taxation of bank shares, . . . . .	589
“ “ to make returns concerning steam-boilers, . . . . .	816
Assistant Clerks of certain Courts, appointment provided for, . . . . .	825
“ “ of Legislature, salaries established, . . . . .	600
Assistant District Attorney for Suffolk, salary established, . . . . .	909
“ Messenger of Governor and Council, salary established, . . . . .	537
“ Registers of Deeds, appointment authorized, . . . . .	909
Associate Justices of Supreme Judicial Court, number increased, . . . . .	495
Associates, New England Lodge, in Cambridge, incorporated, . . . . .	509
Association, Essex Mechanics', in Lawrence, incorporated, . . . . .	636
“ Freemasons' Hall, in Haverhill, capital stock of, . . . . .	630
“ Malden Odd Fellows' Hall, incorporated, . . . . .	525
“ Odd Fellows' Hall, of Boston, capital and estate, . . . . .	506
“ South Framingham Camp-Meeting, incorporated, . . . . .	620
	518

# INDEX.

iii

	Page
Association, Stoneham Odd Fellows' Hall, par value of shares, . . .	597
“ Union Hall, may increase capital, . . .	521
Asylum, Fall River Orphan, may unite with Children's Friend Society,	538
Athol and Enfield Railroad Company, name, location of road, capital,	494
Attachments of real estate, in Suffolk County, and dissolutions of same, record of, . . .	738
Attleborough, village of, supply of water for, . . .	698
Attorney, Assistant, for Suffolk District, salary established, . . .	537
Attorney-General, salary increased, . . .	685
Attorneys, District, may be allowed clerical assistance, . . .	707
Auditor's Department, salary of extra clerks, . . .	913
Auditors appointed by court, compensation of, . . .	867

## B.

Bank, Collateral Loan Company, in Boston, interest on loans, . . .	548
“ Florence Savings, in Northampton, name established, . . .	636
“ Middleborough Savings, incorporated, . . .	538
“ Workingmen's Savings, of Florence, incorporated, name changed, . . .	501, 636
Bank shares, taxes on, how assessed and collected, duties of tax com- missioner, assessors and cashiers, etc., . . .	816
Banking and Trust Company, Chapin, in Springfield, incorporated, . . .	710
“ “ “ Fall River, incorporated, . . .	870
“ “ “ Springfield, incorporated, . . .	902
Baptist Society of Boston, North Bennet Street Free-Will, acts con- firmed, . . .	737
“ “ of Newbury and Newburyport, First, may sell estate,	683
Barlow River in Sandwich, protection to oyster fishery in, . . .	509
Barnstable, town of, proceedings abolishing school district system confirmed, . . .	630
Battery, Fifth, to be supplied with guns, . . .	932
Beaches in Scituate, material composing shall not be removed, . . .	619
Bearse, Owen, may build wharf in Quincy, . . .	518
Beer, vote of towns on sale of, act authorizing repealed, . . .	510
Belchertown, allowed for relief of alleged state pauper, . . .	927
Berdell Bondholders, organization as New York and New England Railroad Company confirmed, . . .	726
Berkeley Street, Boston, conveyance to city provided for, . . .	876
Berkshire County, clerk of courts allowed for clerk-hire, . . .	633
Berkshire Railroad Company, may unite with another road, . . .	595
Betterments, petitions to superior court by parties aggrieved by ap- portionment, . . .	726
Birds, Sea-Fowl in waters of Edgartown, protection of, . . .	823
Births, registry and return of, fees for, . . .	570
Bleachery, Lowell, may contract with certain corporations for mutual insurance, . . .	478
Board of Agriculture, report of, additional copies to be printed, . . .	931
“ “ salary of clerk established, . . .	913

	Page
Board of State Charities, salary of visiting agent, . . . . .	912
Boards of Health, compulsory examinations by, . . . . .	477
Boilers, Steam, returns concerning, to be made by assessors to tax commissioner, . . . . .	825
Bonds of Trustees under wills, relating to, . . . . .	551
Bonds, Water Loan, city of Fall River may issue additional, . . . . .	879
“ “ city of Lowell, payment provided for, . . . . .	523
“ “ town of South Hadley may issue additional, . . . . .	548
“ “ town of Woburn may issue additional, . . . . .	534
Books and Archives concerning lands, transferred to State of Maine, . . . . .	931
Books, Text, towns may furnish, to pupils in public schools, . . . . .	544
Boom and Lumber Company, Holyoke and Northampton, capital etc., . . . . .	625
Borden, Cook, may build wharf in Fall River, . . . . .	544
Boston, city of, conveyance of Berkeley Street to, . . . . .	876
“ “ drainage and sewerage, powers conferred, . . . . .	619
“ “ drains and sewers may be extended into new chan- nel of Muddy River, . . . . .	687
“ “ Fire Department, to have right of way in streets; appointment of officers, . . . . .	910
“ “ erection of wooden buildings for sanitary purposes, authorized, . . . . .	478
“ “ erection, regulation and inspection of buildings in, acts amended, . . . . .	739, 864
“ “ grade of certain lands may be raised, . . . . .	865
“ “ land for post-office and sub-treasury, United States may purchase, . . . . .	605
“ “ land for school purposes, sale to, authorized, . . . . .	620
“ “ may appropriate money for relief of disabled firemen and their families, . . . . .	687
“ “ may build an additional Reservoir, . . . . .	724
“ “ Municipal Court of, attendance of constables, . . . . .	758
“ “ Municipal Court of Charlestown District, establish- ment provided for, . . . . .	718
“ “ and city of Charlestown may unite, . . . . .	716
“ “ and town of Brighton may unite, . . . . .	747, 902
“ “ and town of Brookline may unite, . . . . .	729, 902
“ “ and town of West Roxbury may unite, . . . . .	810, 902
Boston, Harbor of, filling of certain flats of Commonwealth, . . . . .	686
“ Pilots of, Cape Cod station established for, . . . . .	706
“ Pilotage rates to be same through the year, . . . . .	710
Boston and Albany Railroad Company, certain rights and powers, lands of, . . . . .	728
“ “ “ “ may change location of road in Russell and Montgom- ery, . . . . .	736
“ “ and other Railroad Companies may alter roads so as to discontinue grade crossings in Bos- ton, Charlestown and Somerville, . . . . .	879

# INDEX.

v

	Page
Boston, Barre and Gardner Railroad, extension in Worcester, . . .	493
“ “ “ “ mortgage of property authorized . . .	875
Boston, Clinton and Fitchburg Railroad Company, location in Fram- ingham, . . .	535
“ “ “ “ “ may build branch in Framingham, . . .	881
“ “ “ “ “ union with other companies, . . .	497
Boston Commercial Exchange Building Company, incorporated, . . .	545
Boston, Hartford and Erie Railroad franchise vested in New York and New England Railroad Company, . . .	726
Boston Land Company, may exclude tide-water from their lands, . . .	692
Boston and Lowell and other Railroad Companies, may alter roads so as to discontinue grade crossings in Boston, Charlestown and Somerville, . . .	879
Boston, Lynn and Peabody Railway, location and construction, capi- tal reduced, . . .	653
Boston and Maine Railroad, crossing in Lawrence, report on ordered, . . .	924
“ “ “ Company may build wharf in Somerville, . . .	534
“ “ and other Railroad Companies may alter roads so as to discontinue grade crossings in Boston, Charlestown and Somerville, . . .	879
Boston Missionary and Church Extension Society, name established, . . .	542
Boston Mortgage Company, incorporated, . . .	695
Boston and Philadelphia Steamship Company, incorporated, . . .	511
Boston and Providence Railroad Company, may guarantee bonds and hold stock of another company, . . .	615
Boston and Providence and Stoughton Branch Railroad Companies, may unite, capital stock, . . .	492
Boston and Roxbury Mill Corporation and the Commonwealth, in- denture between, confirmed, . . .	552
Boston Steam Supply Company, incorporated, . . .	524
Boston Sunday School and Missionary Society, Methodist, name changed, . . .	542
Boston Tow-Boat Company, incorporated, . . .	501
Boundary line between Winchester and Woburn, changed, . . .	709
Bounties to Soldiers in late War, town of Wakefield may pay, . . .	702
Bowen, Joseph A., may extend wharf in Fall River, . . .	738
Bradbury, Alfred, allowance to, . . .	932
Bradford, town of, may be allowed portion of cost of rebuilding Haver- hill Bridge, . . .	629
Braintree, town of, may raise funds for Thayer Academy, . . .	511
Bridge over Chelsea Creek, Cary Improvement Company may build, . . .	620
“ over Connecticut River at Springfield, free, construction authorized, . . .	661
“ Cragie, reconstruction and widening authorized, . . .	615
“ over Fort Point Channel, Old Colony Railroad Company may widen, . . .	604

	Page
Bridge, Haverhill, rebuilding of, authorized, . . . . .	629
“ in Haverhill, over Little River, city may build, . . . . .	683
“ in Manchester, town may construct, . . . . .	635
“ over Merrimac River in Tyngsborough, time for constructing, . . . . .	542
“ over Mystic River, town of Medford may build, . . . . .	556
“ over Westfield River, Boston and Albany Railroad Company to build, . . . . .	736
Bridge Companies, certain, dissolved, . . . . .	842
Bridge Company, Squantum Free, incorporated, . . . . .	694
Bridges, Free, over Connecticut River, fast driving on, prohibited, . . . . .	557
Bridges in Newburyport, allowance authorized to city, and town of Salisbury for certain expenses, . . . . .	693
Bridges in Saugus, town relieved of expense of repairs, . . . . .	590
Brigham, Henry B., executor, deed by, legalized, . . . . .	920
Brightman, Leonard, may build wharf in Fall River, . . . . .	908
Brighton, town of, and city of Boston may unite, . . . . .	747, 902
Bristol County, Treasurer of, salary established, . . . . .	538
Brockway, Charles J., deeds of E. and S. W. Hale to, confirmed, . . . . .	921
Brokers, Insurance, certificates of authority, . . . . .	593
Brookline, town of, establishment of grade in, . . . . .	507
“ “ may make new channel for Muddy River, . . . . .	687
“ “ may unite with city of Boston, . . . . .	729, 902
Brookline Gas-Light Company, may manufacture in Brighton, . . . . .	605
Building in Boston for State Police, allowance for fitting up, . . . . .	932
Building in Boston for State purposes, lease of authorized, refitting, . . . . .	923, 927
Buildings, demolition of, at fires, . . . . .	618
Buildings, moving of, in public streets, powers of road commissioners, . . . . .	517
Buildings in Boston, erection, regulation and inspection, acts amended, . . . . .	739, 864
Buildings, Wooden, in Boston, erection authorized for sanitary purposes, . . . . .	478
Bureau, Soldiers' Employment, allowance to, . . . . .	922
Bureau of Statistics of Labor, appropriation for expenses of, . . . . .	933
“ “ “ location of headquarters, . . . . .	930
“ “ “ salary of chief, . . . . .	913
Burying-Ground in North Bridgewater, part may be taken for highway, . . . . .	604
Buxton, Ella J., allowed state aid, . . . . .	921

## C.

Cambridge, city of, collectors of taxes in, appointment, . . . . .	869
“ “ drain through, city of Somerville may build, . . . . .	745
“ “ election of overseers of poor in, . . . . .	863
“ “ nuisance in, filling of certain flats, etc. authorized, . . . . .	753
Camp-Ground for Militia, governor and council may take land for, . . . . .	681
Camp-Meeting Association, South Framingham, incorporated, . . . . .	518
Canal Companies, certain, dissolved, . . . . .	842
Cape Cod Station, established for Boston Pilots, . . . . .	706



	Page
Capital Cases, juries in, how empanelled, . . . . .	757
Cary Improvement Company, may build bridge over Chelsea Creek, .	620
Cattle, contagious diseases among, suppression of, . . . . .	924
Causeway in Manchester, town may construct, . . . . .	635
Cemetery Corporation, Newton, town may loan money to, . . . .	868
Central Club, of Boston, incorporated, . . . . .	524
Certificates of authority of Insurance Brokers, duration, . . . .	593
Certiorari, petitions for writ, when may be presented, where heard, .	879
Challenging of Jurors, peremptory, right may be exercised after determination that juror is indifferent, state may in capital cases challenge ten, . . . . .	823
Change of Names of Persons, . . . . .	979
Chapin Banking and Trust Company, in Springfield, incorporated, .	710
Charitable Eye and Ear Infirmary, Massachusetts, additional mana- gers for, . . . . .	558
“ “ “ “ “ allowance to, . . . . .	922
Charles River, harbor lines on, established, . . . . .	690
Charlestown, lands in, Eastern Railroad Company make take for freight station, . . . . .	882
Charlestown and Boston, cities of, may unite, . . . . .	716
Charlestown District, Municipal Court of, establishment provided for, .	718
Charlestown Free Dispensary and Hospital, incorporated, . . . .	500
Chelsea, city of, election of officers, . . . . .	693
“ “ election of school committee, . . . . .	693
Chelsea Creek, bridge over, Cary Improvement Company may build, .	620
Chicopee, town of, may be supplied with water by city of Springfield, .	527
Chief of Bureau Statistics of Labor, salary established, . . . .	913
Children, attendance at school, G. S. relating to amended, . . . .	708
“ “ at school in other towns, . . . . .	735
“ neglected, guardian may be appointed and have custody when parents are unfit, . . . . .	902
“ truant, provisions by towns concerning, duties of officers, 689, 708	
Children's Home of Fall River, established, . . . . .	538
Church, Methodist Episcopal, Boston Missionary and Church Exten- sion Society, name established, . . . . .	542
“ “ “ in Winchendon, trustees incorporated, . . . . .	737
“ Winthrop, in Holbrook, enlargement of meeting-house, . . . .	592
Cities, elections in, for prevention of fraud supervisors may be appointed, duties, penalties, . . . . .	910
“ may appropriate money for expenses of free libraries, . . . .	757
“ may make provisions respecting truant children and ab- sentees from school, . . . . .	688
“ may contract for supply of water, . . . . .	685
“ management of lock-ups in, . . . . .	598
“ may charge interest on unpaid taxes, . . . . .	631
“ may establish hospitals for temporary relief of poor, . . . .	608
“ may furnish pupils of public schools with text-books, . . . .	544
“ may take leases of ponds for cultivation of fish, . . . . .	609

	Page
Cities, mayors of, veto powers over expenditures of money, . . .	560
“ of Boston and Charlestown may unite, . . .	716
Citizens' Mutual Insurance Company, in Brighton, charter continued, . . .	520
City of Boston and town of Brighton may unite, . . .	747, 902
“ “ and town of Brookline may unite, . . .	729, 902
“ “ and town of West Roxbury may unite, . . .	810, 902
“ Gloucester, establishment provided for, . . .	669
“ Fall River, charter amended, . . .	648
“ Holyoke, establishment, . . .	573
“ Newton, establishment, . . .	829
“ Springfield, charter amended, . . .	553
“ Worcester, city council to have control of public property, . . .	601
City Mutual Fire Insurance Company, in Roxbury, charter extended, . . .	537
Civil Government, list of state, district and county offices, . . .	995
Clark, Barnabas, may extend wharf in Fall River, . . .	520
Clerk of Board of Agriculture, salary established, . . .	913
“ Courts in Berkshire County, allowed for clerk hire, . . .	633
“ District Court of East Norfolk, salary, . . .	495
“ Hampshire County, salary increased, . . .	758
“ Municipal Court of Dorchester District, . . .	900
“ Railroad Commissioners, salary established, . . .	913
Clerks and Assistant-Clerks of senate and house, salaries established, . . .	909, 912
Clerks of cities and towns, fees for registry and return of births and deaths, . . .	570, 867
“ certain courts, assistant and second assistant, appointment provided for, . . .	600
“ courts, may issue orders of notice in vacation, . . .	687
“ “ duties in recording copies of writs etc., in suits in U. S. Courts affecting title to real estate, . . .	738
Clerks, District-Attorneys may be allowed services of, . . .	707
“ extra, in Auditor's and Secretary's departments, salaries established, . . .	913
Club, Apollo, of Boston, incorporated, . . .	557
“ Central, of Boston, incorporated, . . .	524
Coasting vessels, exempted from compulsory pilotage, . . .	710
Collateral Loan Company, in Boston, interest on loans, . . .	548
Collectors of taxes in Cambridge, appointment, . . .	869
College, Wellesley, name established, . . .	519
“ Williams, trustees of Delta Psi Society, incorporated, . . .	592
“ “ “ of Sigma Phi Society, incorporated, . . .	558
Commercial Exchange Building Company, Boston, incorporated, . . .	545
“ Freight Railway Company, concerning, . . .	636
“ Fertilizers, shall be analyzed before sale, . . .	759
Commissioners, County, of Dukes, may build new jail in Edgartown, and may borrow money for same, . . .	543, 746
“ “ of Essex, may allow Newburyport and Salisbury for certain bridge expenses, . . .	693
“ “ “ may borrow money, . . .	926

# INDEX.

ix

	Page
Commissioners, Connty, of Hampden, may build free bridge, . . .	616
“ “ “ may borrow money to pay certain damages, . . . . .	686
“ “ of Plymouth, may take part of burying-ground in North Bridgewater for highway, . . .	604
Commissioners, Harbor, contracts for filling certain flats and lands, .	686
“ “ to report on improvement of Malden River channel, . . . . .	925
“ of Inland Fisheries, duties as to leasing of great ponds, . . . . .	609
“ for Mass., in other states, qualification of, . . . . .	491
“ Police, compensation of, . . . . .	863
“ on Public Lands, may convey land to city of Boston, 620, 876	
“ “ “ may give deeds when bonds for conveyance are lost, . . . . .	735
“ on publication of General Statutes, allowance to, . . .	929
“ Railroad, to investigate causes of accidents, . . . . .	540
“ “ to report on Boston and Maine Railroad Crossing in Lawrence, . . . . .	924
“ “ to report a codification of railroad laws, . . . . .	929
“ Road, powers and duties of, . . . . .	517
“ Tax, duties in taxation of insurance companies, . . . .	562
“ “ “ “ of bank shares, . . . . .	816
Committees, School, compensation increased, . . . . .	589
“ “ duties of, G. S. amended, . . . . .	735
Common Carriers of Persons, organization of Corporations as, . .	600
Common Landing-Places, certain, in Newburyport, discontinuance, .	559
Commonwealth, and Boston and Roxbury Mill Corporation, indenture between confirmed, . . . . .	552
“ Flats of, in Boston Harbor, filling of, . . . . .	686
Compensation Funds for harbors of Commonwealth, investment of, .	876
Concord Free Public Library, incorporated, . . . . .	541
Congregational Society of Chicopee, First, name and estate, . . .	597
“ “ of Marblehead, Second, may purchase real estate, . . . . .	881
“ “ of Springfield, Fifth, acts legalized, name changed, . . . . .	597
“ “ of West Tisbury, sale of parsonage property, act repealed, . . . . .	518
Congress, list of Massachusetts members, . . . . .	1016
Connecticut River, free bridge at Springfield, construction authorized, .	616
Connecticut River, free bridges over, fast driving on prohibited, . .	557
Constables, attendance at Municipal Court of Boston, salary, . . .	758
Coöperative Associations, certain, dissolved, . . . . .	842
Coroner, Robert Vose, Jr., acts confirmed, . . . . .	747
Corporations, certain, dissolved, . . . . .	842
“ par value of shares in, . . . . .	507
“ as common carriers of persons, organization of, . . . . .	600

	Page
Corporations, Gas, capital of, . . . . .	508, 858
“ Insurance, formation of, for insurance of plate-glass, . .	594
“ Musical, organization of, . . . . .	599
“ Railroad, formation of, act of 1872 amended, . . . .	550
“ “ state directors of, reports, eligibility, . . . .	632
County Commissioners of Dukes may build new jail in Edgartown and borrow money for same, . . . . .	543, 746
“ “ of Essex, may allow Newburyport and Salis- bury for certain bridge expenses, . . . . .	693
“ “ “ may borrow money, . . . . .	926
“ “ of Hampden may build free bridge, . . . . .	616
“ “ “ may borrow money to pay certain damages, . . . . .	686
“ “ of Plymouth may take part of burying- ground in North Bridgewater for highway, . . . .	604
County Taxes granted, . . . . .	921
County Treasurer of Bristol, salary established, . . . .	538
Court, District, of East Norfolk, salary of clerk, . . . .	495
“ Municipal, of Boston, attendance of constables at, . .	758
“ “ for Charlestown Dist., establishment provided for, .	718
“ “ of Dorchester District, clerk for, . . . . .	900
“ Probate, in Suffolk County, time and place of holding, .	910
“ Superior, trials may be had in, instead of before sheriffs’ juries,	688
“ Supreme Judicial, number of associate justices increased, .	509
Courts, clerks of, may issue orders of notice in vacation, . .	687
“ certain, assistant and second assistant clerks for, . . .	600
Courts in Berkshire County, allowance for clerk hire, . . .	633
“ in Hampshire County, salary of clerk increased, . . .	758
“ of Insolvency, fees and deposits in, . . . . .	618
“ Probate, powers conferred for more expeditious settlement of estate of deceased persons, . . . . .	631, 684
Courts, United States, recording of writs in suits affecting title to real estate, duties of registers of deeds and clerks of courts, .	738
Cox, Charles J., in favor of, . . . . .	927
Crafts, Ebenezer, estate of, deed by executors and trustee made valid, .	920
Cragie or Canal Bridge, reconstruction and widening authorized, . .	615
Creeks, Mattakesett, town of Edgartown may purchase proprietors’ franchise, . . . . .	539
Criminal Prosecutions in other states, witnesses in this state may be summoned to attend, . . . . .	823
Cross, Henry M., may extend wharf in Newburyport, . . . .	501
Cummings, Amos, allowance to, . . . . .	926

## D.

Dams, proposed erection of, to injury of public ways, proceedings, . .	569
Dams on Mill River, Taunton, owners released from constructing fish- ways, . . . . .	633

# INDEX.

xi

	Page
Deaths, registry and return of, fees of town clerks, . . . .	867
Deaths, returns of by sextons and others, fees for making, . . .	618
Debtors, Poor, arrest and discharge of, . . . . .	876
“ “ intoxicating liquors not exempt from being taken on execution, . . . . .	868
Deed by executors and trustee under will of Ebenezer Crafts, made valid, . . . . .	920
Deeds of Ebenezer and Sarah W. Hale confirmed, . . . . .	921
Deeds of public lands may be given when bonds for conveyance are lost, . . . . .	735
Deeds, Registers of, may appoint assistants, . . . . .	495
Defacement of natural scenery by advertisements, to prevent, . .	875
Delta Psi Society of Williams College, trustees incorporated, . .	592
Departments, certain, building for use of, . . . . .	923, 927
Deputy Sheriffs, fees of, for attendance at courts, . . . . .	630
Destitute Children, guardian may be appointed and have custody when parents are unfit, . . . . .	902
Directors, State, of railroad corporations, reports, eligibility, . .	632
Disabled Soldiers' Employment Bureau, allowance to, . . . . .	922
Discharge of Debtors under arrest or imprisonment, . . . . .	876
Discharged Female Prisoners, in aid of, . . . . .	925
Diseases among Cattle, contagions, suppression of, . . . . .	924
Dispensary and Hospital, Charlestown Free, incorporated, . . . .	500
District Attorney, Assistant, for Suffolk, salary established, . .	537
District Attorneys having no assistant, may have clerk, . . . . .	707
District Court of East Norfolk, salary of clerk, . . . . .	495
District School System, towns may abolish, . . . . .	539
“ “ “ in Barnstable, acts of town abolishing, con- firmed, . . . . .	630
Districts, School, in Hubbardston, acts of town relating to, con- firmed, . . . . .	757
Dividends of certain Mutual Fire Insurance Companies, . . . . .	599
Divorce, law relating to amended, penalty for fraud in procuring, .	908
Dixie, Benjamin D., may extend wharf in Marblehead, . . . . .	502
Dodge, John F., and others may build wharf in Quincy, . . . . .	518
Dorchester District Municipal Court, clerk for, . . . . .	900
Downes, George, allowed for state aid, . . . . .	920
Drain through Cambridge, city of Somerville may maintain, . . .	745
Drainage in the city of Boston, powers conferred, . . . . .	619
“ of Meadows in Lexington, authorized, . . . . .	622
Drains in Boston may be extended into new channel of Muddy River,	687
Dukes County, Commissioners may erect new jail in Edgartown, and borrow money for same, . . . . .	543, 746
“ “ reimbursed for building road, . . . . .	931
Dunstable, town of, certain votes appropriating money legalized, . .	829
Duxbury and Cohasset Railroad, town of Plymouth may hold stock in, . . . . .	498

## E.

	Page
Easements, held to be real property, . . . . .	600
East Boston Railroad Company, incorporated, . . . . .	521
East Mountain Water Company, in West Stockbridge, incorporated, .	602
East Norfolk District Court, salary of clerk, . . . . .	495
East Parish in Randolph, may sell real estate, . . . . .	592
Eastern Railroad Company, legal proceedings against to be discontinued, . . . . .	924
Eastern Railroad Company, may take land and build tracks in Charlestown for freight purposes, . . . . .	882
Eastern and other Railroad Companies, may alter roads so as to discontinue grade crossings in Boston, Charlestown and Somerville, .	879
Edgartown, town of, may purchase franchise of proprietors of Mat-takesett creeks, . . . . .	539
“ “ sea-fowl in waters of, protected, . . . . .	823
Election of assessors in Newburyport, provided for, . . . . .	544
“ of superintendents of public schools, concerning, . . . . .	544
Elections in cities, for prevention of fraud supervisors may be appointed, duties, penalties, . . . . .	910
Employment Bureau, Disabled Soldiers', allowance to, . . . . .	922
Encampments, use of land for, payment, . . . . .	920
Essex County commissioners, may allow Newburyport and Salisbury for certain bridge expenses, . . . . .	693
“ “ “ may borrow money, . . . . .	926
Essex Mechanics' Association, in Lawrence, incorporated, . . . . .	630
Estate, Real, record of attachments in Suffolk County; in suits in U. S. Courts affecting title, duties of registers of deeds and clerks of courts, . . . . .	738
Estates, assessment of taxes on, when omitted in annual taxation, .	702
Estates of deceased persons, more expeditious settlement of, powers granted probate courts, . . . . .	631, 684
Everett, town of, may elect water commissioners, . . . . .	523
Exchange Building Company, Boston, incorporated, . . . . .	545
Executions, levy of, on lands attached in Suffolk, to be recorded in registry of deeds, . . . . .	738
Executors irregularly appointed; accountability, payments may be confirmed, S. J. Court may decree as to rights of parties interested, . . . . .	684
Exeter and Salisbury Railway, time for location and construction, .	595
Exposition at Vienna, appointment of agents to, appropriations, .	919
Eye and Ear Infirmary, Massachusetts, governor to appoint additional managers, . . . . .	558
“ “ “ “ allowance to, . . . . .	922

## F.

Fall River, city of, charter amended, . . . . .	648
“ “ may issue additional water bonds, . . . . .	879
Fall River Banking and Trust Company, incorporated, . . . . .	870

	Page
Fall River Children's Home, established, . . . . .	538
"    Street Railway Company, incorporated, . . . . .	550
Fall River, Warren and Providence Railroad Company, may mortgage road etc., . . . . .	615
Fees of Clerks and Registers for registry and return of births and deaths, . . . . .	570, 867
"    in Courts of Insolvency, deposits for payment etc., . . . . .	618
"    of Deputy Sheriffs for attendance at courts, . . . . .	630
"    of Sextons and others for making return of deaths, . . . . .	618
"    of Sheriffs' jurors, . . . . .	507
"    of Sheriffs for presiding over juries, . . . . .	619
Female Prisoners, discharged, in aid of, . . . . .	925
Female Seminary, Wellesley, name changed to Wellesley College, . . . . .	519
Fences, penalty for affixing advertisements to, by painting or otherwise, . . . . .	875
Fertilizers, Commercial, shall be analyzed before sale, . . . . .	759
Fifth Congregational Society of Springfield, acts legalized, name, estate, . . . . .	597
Fifth Light Battery, to be supplied with guns, . . . . .	932
Fines for fraudulent insurance, one-half to be paid complainant, . . . . .	568
Fire Department of Boston, may have right of way in streets, appointment of officers of, . . . . .	910
Fire Department of Fitchburg, reorganization, . . . . .	559
Fire Inquests, complaints requiring, when to be made, . . . . .	710
Fire Insurance Companies, certain mutual, dividends of, . . . . .	599
Firemen in Boston, disabled, city may relieve, . . . . .	687
Fires, demolition of buildings at; powers, in whom vested, . . . . .	618
First Baptist Society of Newbury and Newburyport, may sell estate, . . . . .	683
First Congregational Society of Chicopee, name, real estate, . . . . .	597
First Parish in Newbury, may sell estate, . . . . .	573
"    "    in Rowley, acts concerning repealed, . . . . .	572
Fish, cultivation of, leasing of great ponds regulated, . . . . .	609
Fish in pond of Adams and Cheshire Reservoir Company, preservation of, . . . . .	543
"    in Menamsha Pond, seining regulated, . . . . .	607
Fisheries, inland, leasing of great ponds regulated, . . . . .	609
"    "    prosecutions under laws relating to, time for, . . . . .	559
Fishery, Oyster, in Barlow River, protection to, . . . . .	509
"    Smelt, hook and hand line only to be used, . . . . .	621, 901
Fishing Companies, certain, dissolved, . . . . .	842
Fishing Insurance Company, Gloucester Mutual, charter amended, . . . . .	520
Fish-ways on Mill River, Taunton, owners of dams released from building, . . . . .	633
Fitchburg, city of, may fund sewerage debt and issue bonds, . . . . .	558
"    "    may re-organize fire department, . . . . .	559
Fitchburg Railroad Company, concerning, . . . . .	536
"    "    "    and others, may alter roads so as to discontinue grade crossings in Boston, Charlestown and Somerville, . . . . .	879

	Page
Fitchburg Street Railway Company, incorporated, . . . . .	572
Flats of Commonwealth in Boston Harbor, certain, filling of, . . . . .	686
Flats of Miller's River, in Cambridge and Somerville, filling author- ized for abatement of nuisance, . . . . .	753
Flats in Newburyport, certain, city may fill, . . . . .	559
Florence Savings Bank, in Northampton, name established, . . . . .	636
Fort Point Channel, bridge across, Old Colony Railroad Company may widen, and extend wharf, . . . . .	604
“ “ “ harbor lines in, changed, . . . . .	634
Framingham and Lowell Railroad, time for location and construction, . . . . .	535
Frauds at Elections in cities, to prevent, supervisors may be ap- pointed; duties, penalties, . . . . .	910
Frauds in procuring Divorce, penalty, . . . . .	908
Fraudulent Insurance, fines for, one-half to be paid complainant, . . . . .	568
Free Bridge Company, Squantum, incorporated, . . . . .	694
Free Bridge over Connecticut River at Springfield, construction au- thorized, . . . . .	616
Free Bridges over Connecticut River, fast driving on prohibited, . . . . .	557
Free Libraries, towns may appropriate money for expenses of, . . . . .	757
Free Library, Concord, incorporated, . . . . .	541
Freemasons' Hall Association, in Haverhill, capital stock of, . . . . .	525
Freight charges on Railroads, penalty for violating provisions of act 1871, . . . . .	638
Freight Railroad Company, Union, shall receive and deliver passen- ger cars at connections; not to affect rights of Commercial or Marginal Companies, . . . . .	636
Funds, compensation, for harbors, investment provided for, . . . . .	876

## G.

Gas Light Companies, capital of, . . . . .	503, 858
Gas Light Company, Brookline, may manufacture in Brighton, . . . . .	605
“ “ “ Holyoke Water Power Company, may make and sell gas, . . . . .	517
“ “ “ Lynn, may extend pipes, . . . . .	545
“ “ “ “ proceedings legalized, . . . . .	572
“ “ “ Manufacturers', of Fall River, may increase capital, . . . . .	647
Gay Head Herring Creek, seining at mouth of, regulated, . . . . .	607
Gay Head schools, in aid, . . . . .	926
General Statutes, commissioners on publication of, allowance to, . . . . .	929
Glass, Plate, formation of companies for insurance of, . . . . .	594
Gloucester, city of, establishment provided for, . . . . .	669
“ Harbor of, change of lines in, . . . . .	901
“ “ rates of pilotage in, . . . . .	632
Gloucester Mutual Fishing Insurance Company, charter amended, . . . . .	520
Governor, Address of, to legislature, . . . . .	935
Governor's Private Secretary, salary established, . . . . .	909



# INDEX.

XV

	Page
Grade of certain lands in Boston may be raised, . . . . .	865
Grade in town of Brookline, establishment, . . . . .	507
Grand Junction Railroad, owners may alter roads so as to discontinue grade crossings in Boston, Charlestown and Somerville, . . . .	879
Graves of soldiers and sailors, towns may appropriate money for monuments, . . . . .	863
Gray, Russell, in favor, . . . . .	926
Great Ponds, leasing of, regulated, . . . . .	609
Groton, town of, relieved from maintaining high school, . . . .	927
Guardians irregularly appointed; accountability, payments may be confirmed, S. J. Court may decree as to rights of parties interested,	684
Guardians may execute mortgages containing power of sale, . . . .	708
“ may be appointed and have custody of minor children when parents are unfit, . . . . .	902
Guns to be furnished Fifth Light Battery, . . . . .	932

## H.

Hale, Ebenezer and Sarah W., deeds of, confirmed, . . . . .	921
Hale, Henry F., in favor, . . . . .	932
Hale, Moses E., may build wharf in Newburyport, . . . . .	555
Halifax, town of, in favor for armory rent, . . . . .	924
Hampden County Commissioners, may build free bridge, . . . .	616
“ “ “ may borrow money to pay certain damages, . . . . .	686
Hampshire County Clerk of Courts, salary increased, . . . . .	758
Harbor of Boston, certain flats and lands of Commonwealth, filling of,	686
Harbor of Gloucester, rates of pilotage in, . . . . .	632
Harbor Line on Merrimac River in Newburyport, established, . .	822
Harbor Lines on Charles River, established, . . . . .	690
“ “ in Fort Point Channel, changed, . . . . .	634
“ “ in Gloucester Harbor, changed, . . . . .	901
“ “ on Mystic River, established, . . . . .	633
“ “ on Neponset River, established, . . . . .	856
Harbors of Commonwealth, compensation funds for, investment, .	876
Haverhill, city of, election of overseers of poor, . . . . .	637
“ “ may be allowed portion of cost of rebuilding Haverhill Bridge, . . . . .	629
Haverhill, city of, may build wharf and bridge, shall maintain landing,	683
Haverhill Bridge, rebuilding of authorized, . . . . .	629
Health, Public, compulsory examination by boards of health; penalty for removing signals of infection, . . . . .	477
Hide Seat Company, American, name changed to Rockport Hide Manu- facturing Company, . . . . .	494
Highland Street Railway Company, may locate additional tracks, .	561
Highway in North Bridgewater, alteration authorized, . . . .	604
“ in Saugus, town relieved of part expense of repairs, . . . .	590
“ in Tyngsborough, time for laying out, extended, . . . . .	542

	Page
Highways, powers of road commissioners, over, . . . . .	517
“ proposed erection of dams to injury of, proceedings, . . . . .	569
“ relocation of, assessment of expense, . . . . .	593
Hinkley and Williams Works, name changed, . . . . .	477
Holyoke, city of, established, . . . . .	573
Holyoke and Northampton Boom and Lumber Company, concerning, . . . . .	625
Holyoke Water Power Company, provisions respecting canals of, . . . . .	582
“ “ “ “ may manufacture gas, . . . . .	517
Holyoke and Westfield Railroad, town of Holyoke may hold stock of, . . . . .	595
Home, Children's, of Fall River, established, . . . . .	538
Hoosac Tunnel, completion of, expenditure of \$200,000 authorized, . . . . .	869
“ “ contractors, certificates of indebtedness to, release of mortgage, . . . . .	928
Hoosac Tunnel, expenses of engineering at, allowance for, . . . . .	919
Hopkinton Railroad Company, may extend and mortgage road, . . . . .	549
Horse Railroads. (See “Street Railway Corporations.”)	
Hospital and Free Dispensary, Charlestown, incorporated, . . . . .	500
“ State Lunatic, in north-eastern part of state, establishment, . . . . .	636
“ “ “ at Northampton, exchange of certain lands, . . . . .	929
“ “ “ at Taunton, allowance for enlargement, . . . . .	926
“ “ “ at Worcester, allowance to, . . . . .	930
Hospitals for persons requiring temporary relief, towns may establish, . . . . .	608
Hotel Companies, certain, dissolved, . . . . .	842
Housatonic Railroad Company, concerning, . . . . .	595
Hubbardston, town of, acts as to school districts confirmed, . . . . .	757
Humane and Religious Society, Somerset, meeting authorized, . . . . .	501
Humphreys, William, may extend wharves in Marblehead, . . . . .	512

## I.

Ice Companies, certain, dissolved, . . . . .	842
Imprisonment, solitary, bedding and ventilation of cells, . . . . .	569
Incomes exceeding two thousand dollars to be taxed, . . . . .	878
Industrial School for Girls, number of trustees increased from advisory board, . . . . .	593
Infectious diseases, penalty for removing signals from premises, . . . . .	477
Infirmary, Massachusetts Eye and Ear, governor to appoint additional managers, . . . . .	558
Infirmary, Massachusetts Eye and Ear, allowance to, . . . . .	922
Ingalls, Elias T., may build wharf in Haverhill, . . . . .	552
Inland Fisheries, prosecutions under laws relating to, time for, . . . . .	559
“ “ leasing of great ponds regulated, . . . . .	609
Inquests in cases of fire, complaint requiring, when to be made, . . . . .	710
Insane, new State Hospital for, erection authorized, . . . . .	637
Insane in Suffolk County, certain trial justices to have jurisdiction in matters relating to, . . . . .	706
Insanity, persons acquitted of murder by reason of, shall be committed to lunatic hospital for life, . . . . .	632
Insolvency Courts, fees and deposits in, . . . . .	618

# INDEX.

xvii

	Page
Inspection of Buildings in Boston, acts amended, . . . . .	739, 864
Inspection of Commercial Fertilizers, provided for, . . . . .	759
Inspectors of State Prison, reports, when to be made, . . . . .	539
"    "    "    payment of certain expenses authorized, . . . . .	918
Institute of Technology, Massachusetts, granted land in Boston, . . . . .	597
Institutes, Teachers', amount they may receive from state, . . . . .	735
Insurance Agents, certain, reimbursement of overpaid taxes to, . . . . .	920
Insurance Brokers, certificates of authority, duration, . . . . .	593
Insurance Commissioner to codify general laws and report on state or municipal insurance, . . . . .	928
Insurance Companies, certain, dissolved, . . . . .	842
"    "    certain Mutual Fire, dividends of, . . . . .	599
"    "    for insurance of plate-glass, formation of, . . . . .	594
"    "    organized under act 1872, when may take marine risks, . . . . .	601
Insurance Companies, taxation of, . . . . .	562
Insurance Department, building to be leased and refitted for use of, . . . . .	923, 927
Insurance, Fraudulent, fines for, one-half to be paid complainant, . . . . .	568
Insurance, Mutual, Lowell Bleachery and other corporations may contract for, . . . . .	478
Insurance, Mutual, Wamesit Power Company and other corporations may contract for, . . . . .	548
Insurance Policies, standard form established, . . . . .	852
INSURANCE COMPANIES:	
Annisquam Mutual Fire, charter extended, . . . . .	536
Citizens' Mutual, in Brighton, charter continued, . . . . .	520
City Mutual Fire, in Roxbury, charter extended, . . . . .	537
Gloucester Mutual Fishing, charter amended, . . . . .	520
Lynn Mutual Fire, charter extended, . . . . .	629
Merrimack Mutual Fire, charter extended, . . . . .	537
South Danvers Mutual Fire, charter extended, . . . . .	536
Worcester Mutual Fire, may hold real estate, . . . . .	536
Intoxicating Liquors, not considered as estate exempt from being taken on execution within meaning of oath for relief of poor debtors, . . . . .	868
Intoxicating Liquors, sale of, additional act concerning, . . . . .	510
"    "    seizure of, publication of notice, . . . . .	851

## J.

Jail in Edgartown, erection authorized, . . . . .	543
Jails, cells for solitary confinement, ventilation and bedding in, . . . . .	569
James Steam Mills, deeds of E. and S. W. Hale to, confirmed, . . . . .	921
Johnston, George H., in favor, . . . . .	922
Jones, Edward J., in favor, . . . . .	926
Juries in capital cases, how empanelled, . . . . .	757
Juries of Sheriffs, fees of, . . . . .	507
"    "    fees of Sheriffs for presiding over, . . . . .	619

	Page
Juries of Sheriffs, trials before, trials may be had in superior court instead, . . . . .	688
Jurors, peremptory challenging of, right may be exercised after determining that juror is indifferent, state in capital trials may challenge ten, . . . . .	823
Jurors in Suffolk County, service limited, . . . . .	511
Justice of the Peace, acts of David B. Kimball as, confirmed, . . . .	747
Justices of Supreme Judicial Court, number increased, . . . . .	509
Justices, Trial, of juvenile offenders in Suffolk County, to have jurisdiction in matters relating to insane persons, . . . . .	706

## K.

Kelly, Elbridge G., may extend wharf in Newburyport, . . . .	555
Kenoza Street Railway Company of Haverhill, incorporated, . . . .	635
Kimball, Alfred R., may build wharf in Haverhill, . . . . .	552
Kimball, David B., acts as justice of the peace confirmed, . . . .	747

*labor laws 74*

## L.

Labor, Bureau of Statistics of, appropriation for expenses, . . . .	933
"    "    "    location of head-quarters, . . . . .	930
Labor performed in construction of railroads, right of action against owners of road for, . . . . .	877
Lager-Bier, vote of towns on sale of, act authorizing repealed, . . . .	510
Land in Boston, for post-office and sub-treasury, United States may purchase, . . . . .	605
"    "    sale to city authorized, . . . . .	620
"    "    certain, grade may be raised, . . . . .	865
Land for Camp-ground, governor and council may take, . . . . .	681
Land in Charlestown, Eastern Railroad Company may take for freight purposes, . . . . .	882
Land for new State Prison, commissioners may take, . . . . .	864
Land in Worcester, city may purchase and lease, for slaughter-houses, . . . .	709
Land Company, Boston, may exclude tide-water from their lands, . . . .	692
"    "    Cary Improvement, may build bridge over Chelsea Creek, . . . . .	620
Land and Improvement Company, Turner's Falls, charter amended, . . . .	525
Landing-Places, certain, in Milton, discontinued, . . . . .	692
"    "    certain, in Newburyport, city may discontinue, . . . .	559
Lands of Lunatic Hospital, at Northampton, exchange of, . . . . .	929
"    in Maine, certain documents relating to, transferred to state of Maine, . . . . .	931
"    Public, Commissioners may give deeds when bonds for conveyance are lost, . . . . .	735
"    used for military encampments, compensation for, . . . . .	920
"    for Post-Offices, jurisdiction ceded to United States, . . . .	510
"    of State Prison, payment for establishing boundary lines of, . . . .	931
Lawrence, city of, allowed for support of state pauper, . . . . .	923

	Page
Lawrence, city of, crossing of Boston and Maine Railroad in, report on ordered, . . . . .	924
Laws, relating to Insurance, codification provided for, . . . .	928
" Provincial, commissioners to reprint second volume, . . . .	918
Laws relating to Railroads, codification ordered, . . . . .	929
Leasing of building for state purposes, authorized, . . . . .	923
Leasing of connecting railroads one to other, act 1872 not to apply to roads having terminus in Boston, . . . . .	870, 883
Leasing of great ponds for cultivation of useful fishes, regulated, . .	609
Lebanon Springs Railroad, act 1869 concerning, amended, . . . .	540
Lee and Hudson Railroad may cross track in Stockbridge, may unite with another road, . . . . .	595
Legislature, clerks and assistant clerks, compensation of, . . . .	909, 912
Lemly, Hattie, allowed state aid, . . . . .	923
Lenox Academy, sale of real estate authorized, . . . . .	543
Lewis, William, may extend wharf in Vineyard Haven, . . . . .	502
Lexington, town of, may drain meadows near Central Village, . . . .	622
Lexington Water Company, established, town may purchase franchise or hold stock of, . . . . .	702
Libraries, free, cities and towns may appropriate money for expenses of, . . . . .	757
Library, Concord Free Public, incorporated, . . . . .	541
Library, State, to be supplied with statutes for exchanges, allowance, .	924
Life Insurance Companies, taxation of, . . . . .	562
Limited Partnerships, formation of, certificate to be filed in Secretary's department, etc., dissolutions, G. S. repealed, . . . .	824
Liquors, Intoxicating, not considered as estate exempt from being taken on execution within meaning of poor debtor's oath, . . . .	868
Liquors, Intoxicating, sale of, additional act concerning, . . . .	510
" " seizure of, publication of notice, . . . . .	851
Little River, Haverhill, city may build wharf and a bridge over, . . .	683
Loan Company, Collateral, in Boston, interest on loans, . . . . .	548
Lock-ups, management of, . . . . .	598
Locomotive Works, Hinkley, name established, . . . . .	477
Lowell, city of, payment of water loan bonds provided for, . . . .	523
Lowell Bleachery, may contract with other corporations for mutual insurance, . . . . .	478
Lowell Horse Railroad Company, may increase capital, . . . . .	596
Lumber Company, Holyoke and Northampton, capital, etc., . . . .	625
Lunatic Hospital, in north-eastern part of state, erection authorized, .	637
" " at Northampton, exchange of certain lands, . . . . .	929
" " at Taunton, allowance for enlargement, . . . . .	926
" " at Worcester, allowance to, . . . . .	930
Lynn and Boston Railroad, tracks may be used by another company, .	625
Lynn City Street Railway Company incorporated, . . . . .	625
Lynn Gas Light Company, may extend pipes, . . . . .	545
" " " proceedings legalized, . . . . .	572
Lynn Mutual Fire Insurance Company, charter extended, . . . . .	629

## M.

	Page
Maine, State of, transfer of certain land records and archives to, . . .	931
Malden Odd Fellows' Hall Association, incorporated, . . .	506
Malden River, improvement of channel, . . .	925
Manchester, town of, may construct causeway or bridge, . . .	635
Mandamus, petitions for writ, when may be presented, where heard, . . .	879
Mansfield and Framingham Railroad Company, union with other companies, . . .	497
Manslaughter, persons acquitted of by reason of insanity, shall be committed to lunatic hospital for life, . . .	632
Manufacturers' Gas Company of Fall River, capital increased, . . .	647
MANUFACTURING CORPORATIONS:	
American Hide Seat Company, name changed, . . .	494
American Print Works, may enlarge wharf in Fall River, . . .	502
Brookline Gas Light Company, may make gas in Brighton, . . .	605
Hinkley Locomotive Works, name established, . . .	477
Holyoke Water Power Company, may make and sell gas, . . .	517
James Steam Mills, deeds of E. and S. W. Hale to, confirmed, . . .	921
Lowell Bleachery, contract for insurance, . . .	478
Lynn Gas Light Company, may extend pipes, . . .	545
"        "        "        proceedings legalized, . . .	572
Manufacturers' Gas Company of Fall River, capital increased, . . .	647
Rockport Hide Manufacturing Company, name established, . . .	494
Manufacturing Corporations, certain, dissolved, . . .	842
Manufacturing Corporations, Gas, capital stock of, . . .	508, 858
Marblehead and Lynn Railroad, time for constructing, . . .	478
Marginal Freight Railway Company, concerning, . . .	636
Marine Insurance, when may be taken by companies organized under act 1872, . . .	601
Market Company, Tremont, in Boston, incorporated, . . .	526
Massachusetts Charitable Eye and Ear Infirmary, appointment of managers, . . .	558
"        "        "        "        "        allowance to, . . .	922
"        Institute of Technology, granted land in Boston, . . .	597
Masters in Chancery for Suffolk County, number increased, . . .	901
Materials furnished in construction of railroads, right of action against owners for, . . .	877
Matheson, Murdoch, allowance for injuries received, . . .	923
Mattakeesett Creeks, town of Edgartown may purchase franchise of proprietors, . . .	539
Mayors of Cities, veto power of, in expenditures of money, . . .	560
Meadows in Lexington, drainage of, authorized, . . .	622
Mechanics' Association, Essex, in Lawrence, incorporated, . . .	630
Medford, town of, may build bridge over Mystic River, . . .	556
Menamsha Pond, seining at certain seasons prohibited, . . .	607
Merrimack Mutual Fire Insurance Company, charter extended, . . .	537
Merrimack River, landing at Haverhill, city to maintain, . . .	683
"        "        bridge over, in Tyngsborough, time for laying out, . . .	542

# INDEX.

xxi

	Page
Merrimack River, harbor line at Newburyport, established, . . .	822
Merrimack Street Railway Company, in Haverhill, relating to, . .	635
Messenger, assistant, of council, salary established, . . .	909
“ of surgeon-general, salary established, . . .	913
Methodist Episcopal Church, Boston Missionary and Church Extension Society, name, . . .	542
“ “ “ Winchendon, trustees incorporated, . . .	737
Middleborough Savings Bank, incorporated, . . .	538
Middleborough and Taunton Railroad Company, may sell road, . .	496
Middlesex Central Railroad, town of Lexington, may cross by culverts, .	623
Milford and Woonsocket Railroad, union with Rhode Island and Massachusetts road, . . .	627
Military Encampments, payment for use of lands for, . . .	920
Militia Act, . . .	760
Militia, general officers and their staffs, compensation, . . .	923
Militia Camp-ground, governor and council may take land for, . .	681
Milk, purchase of, and size of cans, regulated, . . .	600
Mill Corporation, Boston and Roxbury, and the Commonwealth, indenture between confirmed, . . .	552
Mill Dams on Mill River, Taunton, owners released from constructing fish-ways, . . .	633
Miller's River, flats, etc. in Cambridge and Somerville, filling authorized, . . .	753
Mills, proposed erection of dams to injury of public ways, proceedings, .	569
Milton, town of, certain public landing places in, discontinued, . .	692
Mining Corporations, certain, dissolved, . . .	842
Missionary and Church Extension Society, Methodist, Boston, name, .	542
Money, treasurer may borrow, in anticipation of revenue, . . .	918
Monuments at graves of Soldiers and Sailors, towns may appropriate money for, . . .	863
Moral Reform Society, New England, may hold special meeting, . .	479
Mortgage Company, Boston, incorporated, . . .	695
Mortgages by administrators, guardians and trustees, may contain power of sale, . . .	708
Moving of Buildings in public streets, powers of road commissioners, .	517
Muddy River in Brookline, town may make new channel, drains in Boston may be extended into same, . . .	687
Municipal Court, of Boston, attendance of constables at, . . .	758
“ “ of Charlestown District, establishment provided for, . . .	718
“ “ of Dorchester District, clerk for, . . .	900
Municipal Insurance, commissioner to report on subject, . . .	928
Murder, persons acquitted by reason of insanity shall be committed for life to lunatic hospital, . . .	632
Murphy, Timothy, allowed annuity, . . .	922
Museum of Comparative Zoölogy, allowance to, . . .	930
Musical Corporations, organization of, . . .	599
Mutual Fire Insurance, Lowell Bleachery may contract for, with other corporations, . . .	478

	Page
Mutual Fire Insurance, Wamesit Power Company may contract for, with other corporations, . . . . .	548
Mutual Fire Insurance Companies, certain, dividends of, . . . .	599
Mystic River, bridge over, town of Medford may build, . . . .	556
“ “ harbor lines on, established, . . . . .	633
N.	
Nahant, town of, may build wharf, . . . . .	556
Names of Persons, change of, . . . . .	979
Natick, town of, supply of water for, . . . . .	528
Natural Scenery, defacement of by affixing advertisements, to prevent	875
Navy of United States, testimonials to certain persons in, . . . .	919
Neglected Children, guardian may be appointed and have custody, when parents are unfit, . . . . .	902
Neponset River, bridge over, Squantum Bridge Company may build,	694
“ “ harbor lines on, established, . . . . .	856
New Bedford and New York Steam Propeller Company, may change name and increase capital, . . . . .	506
New Bedford Railroad Company, incorporated, may unite with other companies, . . . . .	495
New Bedford and Taunton Railroad Company, may sell road, . . . .	496
New England Lodge Associates, in Cambridge, incorporated, . . . .	636
“ “ Moral Reform Society, may hold special meeting, . . . .	479
New Haven and Northampton Company, may increase capital, . . . .	494
New York and New England Railroad Company, organization con- firmed, . . . . .	726
Newburyport, City of, Election of Assessors, . . . . .	544
“ “ harbor line on Merrimack River, established, . . . . .	822
“ “ may discontinue landing places and fill flats, . . . . .	559
Newburyport and Amesbury Horse Railroad Company, may lease road,	512
Newburyport Bridges, allowance for certain expenses to city, and town of Salisbury, . . . . .	693
Newburyport City Railroad, time for construction extended, . . . .	829
Newton, city of, establishment provided for, . . . . .	829
Newton Cemetery Corporation, town may loan money to, . . . . .	868
Nickerson's Wharf Company, may hold estate in East Boston, . . . .	519
Norfolk, East District Court, salary of clerk, . . . . .	495
Normal Art School, allowance for expenses of, . . . . .	928
“ “ “ rooms assigned to, . . . . .	932
Normal School at Bridgewater, enlargement of boarding-house, . . . .	928
“ “ at Worcester, appropriation of 1872 amended, . . . . .	589
North Bennet Street Free Will Baptist Society, Boston, acts confirmed,	737
North Bridgewater, highway in, alteration authorized, . . . . .	604
North Parish in Weymouth, may sell parsonage lands, . . . . .	604
Northampton Street Railway Company, name established, capital, . . . .	512
Northampton and Williamsburg Street Railway, name, capital, . . . .	512
Norwich and Worcester Railroad Company, legal proceedings against to be discontinued, . . . . .	924



	Page
Notaries-Public, may administer oaths and take affidavits, . . . . .	608
Notice, orders of, clerks of courts may issue when required, in vacation, . . . . .	687
Nuisance in Cambridge and Somerville, filling of certain flats authorized, . . . . .	753
Nuisances, examinations by boards of health, . . . . .	477

## O.

Oaths, mode of administering, . . . . .	622
Oaths, Notaries-Public may administer, . . . . .	608
Oaths of office of Mass. Commissioners in other states, . . . . .	491
Odd Fellows' Hall Association, of Boston, capital and estate, . . . . .	620
“ “ “ “ of Malden, incorporated, . . . . .	506
“ “ “ “ of New England Lodge in Cambridge, incorporated, . . . . .	636
“ “ “ “ of Stoneham, par value of shares, . . . . .	597
Officers, general, of Militia and their Staffs, compensation, . . . . .	923
Officers of State Prison to be uniformed, . . . . .	608
Old Colony Railroad Company, may construct branch in Barnstable and increase capital, . . . . .	570
Old Colony Railroad Company, may guarantee bonds and hold stock of another company, . . . . .	615
Old Colony Railroad Company, location of road from Wellfleet to Provincetown, time for construction, capital stock, . . . . .	486
Old Colony Railroad Company, may change location of road in Provincetown, . . . . .	829
Old Colony Railroad Company, may widen bridge and extend wharf on Fort Point Channel, . . . . .	604
Old Colony Wharf Company, incorporated, . . . . .	647
Ordway, Warren, may build wharf in Haverhill, . . . . .	545
Orphan Asylum, Fall River, may unite with Children's Friend Society, . . . . .	538
Overseers of Poor in Cambridge, election of, . . . . .	863
“ “ in Haverhill, election of, . . . . .	637
Oyster Fishery in Barlow River, Sandwich, protection of, . . . . .	509

## P.

Parish in Newbury, First, may sell estate, . . . . .	573
“ in Randolph, East, may sell real estate, . . . . .	592
“ in Rowley, First, acts concerning, repealed, . . . . .	572
“ of West Tisbury, sale of parsonage property, repeal, . . . . .	518
“ in Weymouth, North, may sell parsonage lands, . . . . .	604
Partnerships, Limited, formation of, certificate to be filed in Secretary's department, etc., dissolutions, G. S. repealed, . . . . .	825
Passenger Station, Union, in Worcester, time extended for completing, etc., . . . . .	503
Paupers, pay of towns for support, before removal to place of settlement, . . . . .	622

	Page
Pierce, Abner J., in favor, . . . . .	927
Pilotage, vessels in coasting trade exempted from paying, . . .	710
"    for port of Boston, rates to be same through the year, . .	710
"    in Gloucester Harbor, rates established, . . . . .	632
Pilots of Boston, establishment of Cape Cod Station for, . . . .	706
Plate-Glass, insurance of, formation of companies for, . . . . .	594
Plymouth, town of, may hold stock in Duxbury and Cohasset Rail- road, . . . . .	498
"    County Commissioners of, may take part of burying-ground in North Bridgewater for highway, . . . . .	604
Plymouth County Railroad, time for locating, extended, . . . . .	571
Plymouth and Sandwich Railroad, time for locating and constructing, . . . . .	549
Police Commissioners, compensation of, . . . . .	863
Policies of Insurance, standard form established, . . . . .	852
Ponds, leasing of, for cultivation of fish, regulated, . . . . .	609
Poor Debtors, arrest and discharge of, . . . . .	876
Poor Debtors, oath for relief of, intoxicating liquors not exempt from being taken on execution, . . . . .	863
Porter, vote of towns on sale of, act authorizing, repealed, . . . .	510
Post-Office in Boston, United States may purchase additional land for, . . . . .	605
Post-Offices, lands required for, jurisdiction ceded to United States, .	510
Print-Works, American, may enlarge wharf in Fall River, . . . . .	502
Prison, State, boundary lines of lands, payment for establishing, . .	931
"    "    construction of new building authorized, . . . . .	587
"    "    land for, commissioners may take, . . . . .	864
"    "    officers to be uniformed, . . . . .	608
"    "    payment of certain expenses of, . . . . .	918
"    "    protection of persons employed at, . . . . .	526
"    "    reports of inspectors, when to be made, . . . . .	539
Prisoners, discharged female, in aid of, . . . . .	925
Prisons, cells in, for solitary confinement, ventilation and bedding, .	569
Probate Court in Suffolk County, time and place of holding, . . . .	910
Probate Courts may authorize temporary investment of money, and order partial distribution of personal property of unsettled estate; concurrently with S. J. C. may determine matters under wills, same as now in regard to trusts under wills, . . . . .	631
Probate Courts may allow claims against insolvent estates, provisions of law as to appeals to be applicable to court, . . . . .	684
Propeller Company, New Bedford and New York, may change name and increase capital, . . . . .	506
Proprietors of Mattakesett Creeks, town of Edgartown may pur- chase franchise, . . . . .	539
Prosecutions, criminal, in other states, witnesses in this state may be summoned to attend, . . . . .	823
Prosecutions under laws relating to inland fisheries, when may be commenced, . . . . .	559
Providence, Warren and Bristol Railroad Company, certain railroads may hold stock of, . . . . .	615

	Page
Provincial Laws of Massachusetts, reprinting of second volume, . . .	918
Public Health, examination of premises by boards of health; penalty for removing signals of infection, . . . . .	477
“ Lands, commissioners may sell to city of Boston, . . . . .	620
“ “ commissioners may give deeds when bonds for conveyance are lost, . . . . .	735
“ Library, Concord, incorporated, . . . . .	541
“ Schools, appointment of superintendents, . . . . .	544
“ “ children may attend in other towns, . . . . .	735
“ “ towns may furnish pupils with text-books, . . . . .	544
“ Warehouses, additional provisions respecting, . . . . .	620

## Q.

Qualification of Commissioners for Massachusetts in other states, . . .	491
Quincy Point Street Railway Company, incorporated, . . . . .	521

## R.

Railroad Commissioners, to report on crossing of Boston and Maine Railroad in Lawrence, . . . . .	924
“ “ to report codification of railroad laws, . . . . .	929
“ “ salary of clerk, . . . . .	913

## RAILROAD CORPORATIONS:

Athol and Enfield, name changed, capital, location of road, . . .	494
Berkshire, union with Lee and Hudson Company, . . . . .	595
Boston and Albany, lands of, certain rights affirmed, . . . . .	728
Boston and Albany, may change location of road in Russell and Montgomery, shall build station and bridge, . . . . .	736
Boston and Albany, and others, may alter roads so as to discontinue grade crossings in Boston, Charlestown and Somerville, . . . . .	879
Boston, Barre and Gardner, extension in Worcester, . . . . .	493
“ “ “ mortgage of property authorized, . . . . .	675
Boston, Clinton and Fitchburg, union with other companies, . . .	497
“ “ “ location in Framingham, . . . . .	535
“ “ “ may build branch road in Framingham, . . . . .	881
Boston, Hartford and Erie, franchise granted to New York and New England Railroad Company, . . . . .	726
Boston and Lowell, and others, may alter roads so as to discontinue grade crossings in Boston, Charlestown and Somerville, . . . . .	879
Boston, Lynn and Peabody, location and construction of road, capital reduced, . . . . .	683
Boston and Maine, may build wharf in Somerville, . . . . .	534
“ “ and others, may alter road so as to discontinue grade crossings in Boston, Charlestown and Somerville, . . . . .	879

RAILROAD CORPORATIONS—Continued:		Page
Boston and Maine, crossing in Lawrence, report on ordered, . . .		924
Boston and Providence, may guarantee bonds and hold stock of another company, . . . . .		615
“ “ may unite with Stoughton branch, . . . . .		492
Commercial Freight, concerning, . . . . .		636
Duxbury and Cohasset, town of Plymouth may hold stock of, . . . . .		498
East Boston, incorporated, . . . . .		521
Eastern, legal proceedings against, to be discontinued, . . . . .		924
Eastern, may take land and construct tracks in Charlestown for freight purposes, may increase capital, . . . . .		882
Eastern, and others, may alter roads so as to discontinue grade crossings in Boston, Charlestown and Somerville, . . . . .		879
Exeter and Salisbury, time for locating and constructing road, . . . . .		595
Fall River, Street, incorporated, . . . . .		550
Fall River, Warren and Providence, may mortgage road, . . . . .		615
Fitchburg, concerning, . . . . .		536
“ and others, may alter roads so as to discontinue grade crossings in Boston, Charlestown and Somerville, . . . . .		879
Fitchburg, Street, incorporated, . . . . .		572
Framingham and Lowell, time for locating and constructing road, . . . . .		535
Grand Junction, owners may alter roads so as to discontinue grade crossings in Boston, Charlestown and Somerville, . . . . .		879
Highland, Street, may locate additional tracks, . . . . .		561
Holyoke and Westfield, town of Holyoke may hold stock of, . . . . .		595
Hopkinton, may extend and mortgage road, . . . . .		549
Housatonic, relating to, . . . . .		595
Kenoza, Street, in Haverhill, incorporated, . . . . .		635
Lebanon Springs, act 1869 concerning, amended, . . . . .		540
Lee and Hudson, may cross track in Stockbridge, may unite with another company, . . . . .		595
Lowell, Horse, may increase capital, . . . . .		596
Lynn and Boston, Street, tracks may be used by another com- pany, . . . . .		625
Lynn City, Street, incorporated, . . . . .		625
Mansfield and Framingham, union with other companies, . . . . .		497
Marblehead and Lynn, time for construction extended, . . . . .		478
Marginal Freight, concerning, . . . . .		636
Merrimac, Street, in Haverhill, concerning, . . . . .		635
Middleborough and Taunton, may sell road, . . . . .		496
Middlesex Central, town of Lexington may build culverts across road, . . . . .		623
Milford and Woonsocket, may extend road and unite with Rhode Island and Massachusetts road, . . . . .		627
New Bedford, incorporated, may unite with other companies, . . . . .		495
New Bedford and Taunton, may sell road, . . . . .		496
New Haven and Northampton, may increase capital, . . . . .		494

## RAILROAD CORPORATIONS—Concluded:

	Page
New York and New England, organization confirmed, . . .	726
Newburyport and Amesbury, Street, may lease its road, . . .	512
Newburyport City, time for construction of road, . . .	829
Northampton, Street, name, capital, . . .	512
Northampton and Williamsburg, Street, may change name and reduce capital, . . .	512
Norwich and Worcester, legal proceedings against to be discontinued, . . .	924
Old Colony, location of road from Wellfleet to Provincetown, time for construction, capital stock, . . .	486
“ “ may guarantee bonds and hold stock of another company, . . .	615
“ “ may change location of road in Provincetown, . . .	829
“ “ may construct branch road in Barnstable, . . .	570
“ “ may widen bridge over Fort Point Channel and extend wharf, . . .	604
Plymouth County, time for locating road, . . .	571
Plymouth and Sandwich, time for locating and constructing road, . . .	549
Providence, Warren and Bristol, certain companies may hold stock of, . . .	615
Quincy Point, Street, incorporated, . . .	521
Rhode Island and Massachusetts, union with Milford and Woonsocket Company, . . .	627
South Boston, may increase capital, . . .	852
Southbridge and Palmer, time for locating road, . . .	571
Springfield, Athol and North-Eastern, name, capital, location, etc., . . .	494, 682
Springfield, Street, may extend tracks in Springfield, . . .	571
Stockbridge and Pittsfield, relating to, . . .	595
Stoughton Branch, may unite with the Boston and Providence, . . .	492
Taunton Branch, may unite with the New Bedford Company, . . .	497
Troy and Greenfield, improvement of road, . . .	869
Tyngsborough and Brookline, location and construction, . . .	535
Union Freight, shall receive and deliver passenger cars at connections, . . .	636
Ware River, purchasers of franchise may organize corporation, . . .	626
West Amesbury Branch, union with New Hampshire Company, . . .	485
Williamstown and Hancock, act 1869 concerning, amended, . . .	540
Winthrop, completion and equipment of road, . . .	591
Worcester and Shrewsbury, may locate tracks in Worcester, . . .	539
Railroad Corporations, annual returns of, accounts to be closed on last day of September, . . .	609
“ “ certain, dissolved, . . .	842
“ “ formation of, act 1872 amended, . . .	550
“ “ state directors of, reports, eligibility, . . .	632
“ “ Street, increase of capital, sale of shares, . . .	757
Railroad Grade Crossing in Lawrence, report on to be made, . . .	925

	Page
Railroad Grade Crossings in Boston, Charlestown and Somerville, discontinuance, . . . . .	879
Railroad Passenger Station, Union, in Worcester, time for complet- ing, etc., . . . . .	503
Railroads, accidents on, railroad commissioners to investigate causes of, . . . . .	540
“ connecting, leasing of one to other, act 1872 not to apply to roads having terminus in Boston, . . . . .	870, 883
“ freight charges on, penalty for violating provisions of act 1871, . . . . .	638
“ labor and materials furnished in constructing, right of action against owners for, . . . . .	877
Real Estate, record of attachments in Suffolk county; in suits in U. S. courts affecting title, duties of registers of deeds and clerks of courts, . . . . .	738
Record, Myra E., allowed state aid, . . . . .	923
Reform School, State, repairs and improvements, . . . . .	930
Registers of Deeds, duties in recording attachments of real estate in Suffolk and dissolutions of same; in suits in U. S. courts affecting title to real estate, . . . . .	738
“ “ may appoint assistants, . . . . .	495
Registry and return of births, fees for, . . . . .	570
Religious and Humane Society, Somerset, meeting authorized, . . . . .	501
Report of Board of Agriculture, additional copies to be printed, . . . . .	931
Reports of Inspectors of State Prison, when to be made, . . . . .	539
Reservoir, city of Boston may build, . . . . .	724
Reservoir Company, Adams and Cheshire, protection of fish in pond of, . . . . .	543
Returns of Railroad Corporations, accounts to be closed last day of September, . . . . .	609
Rhode Island and Massachusetts Railroad, union with Milford and Woonsocket Railroad, . . . . .	627
Ritchie, James, and others, may build wharf, . . . . .	542
Road Commissioners, powers and duties of, . . . . .	517
Rockport Hide Manufacturing Company, name established, . . . . .	494
Russell, town of, new railroad station at, . . . . .	736

## S.

Sailors, monuments at graves of, towns may appropriate money for, . . . . .	863
---	-----

## SALARIES ESTABLISHED:

Adjutant-General, . . . . .	912
Assistant Clerks of Legislature, . . . . .	909
Assistant District-Attorney for Suffolk, . . . . .	537
“ Messenger of Council, . . . . .	909
Attorney-General, . . . . .	685
Chief of Bureau Statistics of Labor, . . . . .	913
Clerk of Board of Agriculture, . . . . .	913

SALARIES ESTABLISHED—Continued :	Page
Clerk of Courts for Hampshire County, . . . . .	758
Clerk of District Court of East Norfolk, . . . . .	495
“ of Railroad Commissioners, . . . . .	913
Clerks of Legislature, . . . . .	912
“ in Secretary's and Auditor's department, . . . . .	913
Constables attending Municipal Court of Boston, . . . . .	758
Governor's Private Secretary, . . . . .	909
Messenger of Surgeon-General, . . . . .	913
Police Commissioners, . . . . .	863
Sergeant-at-Arms, . . . . .	912
Sheriff of Worcester County, . . . . .	537
Treasurer of Bristol County, . . . . .	538
Visiting Agent, Board of Charities, . . . . .	912
Watchmen of state house, . . . . .	909
Sale of Ale, Beer and Porter, towns not to vote on, . . . . .	510
Salem Turnpike, expense of repairs, town of Saugus relieved, . . . . .	590
Sandwich, town of, protection of oyster fishery in, . . . . .	509
Saugus, town of, relieved of expense of Salem Turnpike and bridges, . . . . .	590
Savings Bank, Florence, in Northampton, name established, . . . . .	636
“ “ Middleborough, incorporated, . . . . .	538
“ “ Workingmen's, of Florence, incorporated, name changed, . . . . .	501, 636
Scenery, defacement of, by advertisements, to prevent, . . . . .	875
School, absentees from, and truant children, provisions concerning, . . . . .	688, 708
“ attendance at, provisions requiring, . . . . .	708
“ State Industrial, number of trustees increased from advisory board, . . . . .	593
“ State Normal, at Bridgewater, enlargement of boarding-house, . . . . .	928
“ “ “ at Worcester, appropriation of 1872 amended, . . . . .	589
“ State Normal Art, allowance for expenses, . . . . .	928
“ “ “ rooms assigned to, . . . . .	932
“ State Reform, repairs and improvements, . . . . .	930
School Committee of Chelsea, election of, . . . . .	693
School Committees, compensation of members, . . . . .	589
“ “ duties of, G. S. amended, . . . . .	735
School District System, towns may abolish, . . . . .	539
“ “ “ in Barnstable, acts of town concerning, con- firmed, . . . . .	630
School Districts in Hubbardston, acts of town relating to, confirmed, . . . . .	757
Schools in Gay Head, allowance for support, . . . . .	926
Schools, Public, children may attend, in other towns, . . . . .	735
“ “ appointment of superintendents of, . . . . .	544
“ “ towns may furnish pupils with text-books, . . . . .	544
Scituate, shores and beaches in, protection of, . . . . .	619
Sea-Fowl in waters of Edgartown, protection of, . . . . .	823
Second Assistant Clerks for certain Courts, appointment, . . . . .	600
Second Congregational Society in Marblehead, may purchase real estate, . . . . .	881

	Page
Secretary's department, salary of extra clerks, . . . . .	913
Secretary of Governor, salary established, . . . . .	909
Seminary, Wellesley Female, name changed, . . . . .	519
Sergeant-at-arms, salary established, . . . . .	912
Sewer in Cambridge, city of Somerville may build, . . . . .	745
Sewerage and Drainage in Boston, powers conferred for, . . . . .	619
Sewers in Boston, may be extended into new channel of Muddy River, . . . . .	687
Sewers in Cambridge and Somerville, construction authorized, . . . . .	755
Sextons, fees for making returns of deaths, . . . . .	618
Shanly, Walter and Francis, contractors at Hoosac Tunnel, in favor, . . . . .	928
Shares in Banks, taxes on how assessed and paid, duties of assessors, cashiers and tax commissioner, etc., . . . . .	816
Shares in Corporations, par value of, . . . . .	507
Sheriff of Worcester County, salary increased, . . . . .	537
Sheriffs, fees of, for presiding over juries, . . . . .	619
" Deputy, fees of, for attendance at courts, . . . . .	630
Sheriffs' Juries, fees of, . . . . .	507
" " trials before, trials may be had in superior court instead, . . . . .	688
Shores and Beaches in Scituate, material composing shall not be removed, . . . . .	619
Sigma Phi Society of Williams College, trustees incorporated, . . . . .	558
Skinner, Francis, deeds of E. and S. W. Hale to, confirmed, . . . . .	921
Smelt Fishery, hook and hand line only may be used, . . . . .	621, 901
Smith Charities, trustees of, act incorporating amended, . . . . .	506
SOCIETIES:	
Boston Missionary and Church Extension, Methodist, name, . . . . .	542
Children's Friend, and Fall River Orphan Asylum, may unite, . . . . .	538
Congregational, of West Tisbury, sale of parsonage property, repeal, . . . . .	518
Delta Psi Society of Williams College, trustees incorporated, . . . . .	592
East Parish in Randolph, may sell real estate, . . . . .	592
Fifth Congregational, of Springfield, acts legalized, name changed to First Congregational, of Chicopee, . . . . .	597
First Baptist, of Newbury and Newburyport, may sell estate, . . . . .	683
First Parish in Newbury, may sell estate, . . . . .	573
" " in Rowley, acts concerning repealed, . . . . .	572
Methodist Episcopal Church in Winchendon, trustees incorporated, deed confirmed, may sell estate, . . . . .	737
New England Moral Reform, may hold special meeting, . . . . .	479
North Bennet Street Free-Will Baptist, Boston, acts confirmed, . . . . .	737
North Parish in Weymouth, may sell parsonage lands, . . . . .	604
Second Congregational, in Marblehead, may purchase real estate, . . . . .	881
Sigma Phi, of Williams College, trustees incorporated, . . . . .	558
Somerset Religious and Humane, meeting authorized, . . . . .	501
Societies, certain agricultural, bounties to, . . . . .	921
Societies, certain Religions, dissolved, . . . . .	842



	Page
Soldiers who served on quota of Wakefield, town may pay bounties to, . . . . .	702
Soldiers' Graves, towns may appropriate money for monuments, . . . . .	863
Soldiers' Employment Bureau, allowance to, . . . . .	922
Solitary Imprisonment, ventilation and bedding in cells, . . . . .	569
Somerset Religious and Humane Society, meeting authorized, . . . . .	501
Somerville, city of, may build drain through Cambridge, . . . . .	745
"    "    nuisance in, filling of certain flats authorized, . . . . .	753
South Adams, supply of water for, . . . . .	611
South Boston Railroad Company, may increase capital, . . . . .	852
South Danvers Mutual Fire Insurance Company, charter extended, . . . . .	536
South Framingham Camp-Meeting Association, incorporated, . . . . .	518
South Hadley Falls, supply of water for, town may issue bonds, . . . . .	548
Southbridge and Palmer Railroad, time for locating, extended, . . . . .	571
Spot Pond, tributary waters not to be diverted to supply Winchester, . . . . .	707
Springfield, city of, additional supply of water for, . . . . .	526
"    "    charter amended, . . . . .	553
Springfield, Athol and North-Eastern Railroad Company, name, capital, location, extension and mortgage of road, . . . . .	494, 682
"    Banking and Trust Company, incorporated, . . . . .	902
Springfield Street Railway Company, may extend track in Springfield, . . . . .	571
Squantum Free Bridge Company, incorporated, . . . . .	694
Squires, Asahel P., allowance to, . . . . .	925
Stanwood, Eunice H. and M. F., may build wharf in Ipswich, . . . . .	552
State Directors of Railroad Corporations, reports, eligibility, . . . . .	632
State House, repairs and improvements, . . . . .	930
"    Industrial School, number of trustees increased from advisory board, . . . . .	593
"    Insurance, commissioner to report on subject, . . . . .	928
"    Library, to be supplied with General Statutes for exchanges, allowance to, . . . . .	924
"    Lunatic Hospital in North-Eastern part of State, erection authorized, . . . . .	637
"    "    "    at Northampton, exchange of lands at, . . . . .	929
"    "    "    at Taunton, allowance for enlargement, . . . . .	926
"    "    "    at Worcester, in favor, . . . . .	930
"    Normal Art School, allowance for expenses, . . . . .	928
"    "    "    assignment of rooms to, . . . . .	932
"    Normal School at Bridgewater, addition to boarding-house, . . . . .	928
"    Police, refitting of building for, . . . . .	932
"    Prison, new, commissioners may take land for, . . . . .	864
"    "    construction of building authorized, . . . . .	587
"    "    officers to be uniformed, . . . . .	608
"    "    payment of certain expenses of, . . . . .	918
"    "    protection of persons employed at, . . . . .	526
"    "    reports of Inspectors, when to be made, . . . . .	539
"    Prison Lands, payment for establishing boundary lines, . . . . .	931

	Page
State Reform School, repairs and improvements, . . . . .	930
“ Tax of \$2,250,000 assessed, . . . . .	884
Station for Boston Pilots, at Cape Cod established, . . . . .	706
Station, Union Passenger, at Worcester, time for completion, etc., ex- tended, . . . . .	503
Statistics of Labor, Bureau of, location of office, . . . . .	930
“ “ “ appropriation for expenses, . . . . .	933
Steam-Boilers, returns concerning, to be made by assessors to tax commissioner, . . . . .	825
Steamship Companies, certain, dissolved, . . . . .	842
Steamship Company, Boston and Philadelphia, incorporated, . . . . .	511
“ “ New Bedford and New York, name, capital, . . . . .	506
Steam Supply Company, Boston, incorporated, . . . . .	524
Stickney, Charles P., may extend wharf in Fall River, . . . . .	738
Stockbridge and Pittsfield Railroad, crossing of track at Stockbridge, Stoneham Odd Fellows’ Hall Association, par value of shares, . . . . .	595 597
Storage in public warehouses, transfer of title to goods, attachments, Stoughton Branch and Boston and Providence Railroad Companies, may unite, . . . . .	620 492
<b>STREET RAILWAY CORPORATIONS:</b>	
Boston, Lynn and Peabody, location and construction of road, capital reduced, . . . . .	683
Commercial Freight, concerning, . . . . .	636
East Boston, incorporated, . . . . .	521
Fall River, incorporated, . . . . .	550
Fitchburg, incorporated, . . . . .	572
Highland, may locate additional tracks, . . . . .	561
Kenoza, in Haverhill, incorporated, . . . . .	635
Lowell, may increase capital, . . . . .	596
Lynn and Boston, tracks may be used by another company, . . . . .	625
Lynn City, incorporated, . . . . .	625
Marginal Freight, concerning, . . . . .	636
Merrimac, in Haverhill, relating to, . . . . .	635
Newburyport and Amesbury, may lease road, . . . . .	512
Northampton and Williamsburg may change name and reduce capital, . . . . .	512
Quincy Point, incorporated, . . . . .	521
South Boston, may increase capital, . . . . .	852
Springfield, may extend tracks in Springfield, . . . . .	571
Union Freight, shall receive and deliver passenger cars at con- nections, . . . . .	636
Winthrop, completion and equipment, town may hold stock, . . . . .	591
Worcester and Shrewsbury, may locate tracks in Worcester, . . . . .	539
Street Railway Corporations, annual returns of, accounts to be closed September thirtieth, . . . . .	609
Street Railway Corporations, increase of capital, sale of shares, . . . . .	757
Suffolk County, assistant attorney for, salary established, . . . . .	537

	Page
Suffolk County, attachments of real estate, levy of executions on lands and dissolution of attachments, record to be made in registry of deeds, . . . . .	738
Suffolk County, Masters in Chancery for, number increased, . . . . .	901
“ “ Probate Courts in, time and place of holding, . . . . .	910
“ “ service of jurors in, limited, . . . . .	511
Sunday School and Missionary Society, Boston, Methodist, name changed, . . . . .	542
Superintendents of Public Schools, appointment of, . . . . .	544
Superior Court, assistant clerks for, in Suffolk County, . . . . .	600
“ “ trials may be had in, instead of before sheriffs' juries, . . . . .	688
Supreme Judicial Court, number of justices increased, . . . . .	509
Surgeon-General's Department, salary of messenger, . . . . .	913

## T.

Taunton, city of, owners of certain mill-dams released from constructing fishways, . . . . .	633
Taunton Branch Railroad Company, may sell road, . . . . .	497
Tax, State, of \$2,250,000, assessed, . . . . .	884
Taxation of Bank Shares, taxes, how assessed and paid, duties of assessors, cashiers and tax commissioner, etc., . . . . .	816
Taxation of Estates, assessment, when omitted in annual taxation, . . . . .	702
“ of Incomes, excess of two thousand dollars only to be taxed, . . . . .	878
Taxation of Insurance Companies, relating to, . . . . .	562
Taxes, Assessors of, compensation increased, . . . . .	589
“ overpaid by certain insurance agents, reimbursement, . . . . .	920
“ unpaid, towns and cities may charge interest on, . . . . .	631
Taxes, for the several counties, granted, . . . . .	921
Teachers' Institutes, amount they may receive from state, . . . . .	735
Technology, Massachusetts Institute, granted land in Boston, . . . . .	597
Telegraph Companies, certain, dissolved, . . . . .	842
Tenement House, term defined, . . . . .	864
Testimonials to certain persons in U. S. Navy during the rebellion, . . . . .	919
Text-books, for pupils of public schools, towns may furnish, . . . . .	544
Thayer Academy, town of Braintree may raise funds for, . . . . .	511
Tilton, Warren, trustee under will of Ebenezer Crafts, deed by legalized, . . . . .	920
Tow-Boat Company, Boston, incorporated, . . . . .	501
Town of Brighton, and city of Boston may unite, . . . . .	747, 902
“ Brookline and city of Boston, may unite, . . . . .	729, 902
“ West Roxbury, and city of Boston, may unite, . . . . .	810, 902
“ Winchester, part annexed to Woburn, . . . . .	709
Towns, assessors of, duties in taxation of bank shares, . . . . .	816
“ “ to make returns concerning steam-boilers to tax commissioner, . . . . .	825
Towns, clerks of, fees for registry and return of births and deaths, . . . . .	570, 867

	Page
Towns, management of lock-ups by, . . . . .	598
“ may contract for supply of water, . . . . .	685
“ may abolish school district system, . . . . .	539
“ may charge interest on unpaid taxes, . . . . .	631
“ may furnish pupils in public schools with text-books, . . . . .	544
“ may establish hospitals for temporary relief of poor, . . . . .	608
“ may make provisions concerning truant children and absentees from school, . . . . .	688, 708
“ may take leases of ponds for cultivation of useful fish, . . . . .	609
“ may appropriate money for expenses of free libraries, . . . . .	757
“ may appropriate money for monuments at graves of soldiers and sailors, . . . . .	863
“ not to vote on sale of ale, beer, lager-bier and porter, . . . . .	510
“ support of paupers by, before removal to place of settlement, compensation, . . . . .	622
Treasurer of Bristol County, salary established, . . . . .	538
Treasurer and Receiver-General may borrow money in anticipation of revenue, . . . . .	918
Treasurer and Receiver-General may borrow money for building of new state prison and lunatic hospital, . . . . .	587, 637
Treasurer and Receiver-General to invest compensation funds for harbors, . . . . .	876
Tremont Market Company, in Boston, incorporated, . . . . .	526
Trespass, by defacement of fences and natural scenery with advertisements, penalty, . . . . .	875
Trial Justices of juvenile offenders in Suffolk County to have jurisdiction in matters relating to insane persons, . . . . .	706
Troy and Greenfield Railroad and Hoosac Tunnel, completion of, . . . . .	869
Truant Children, provisions concerning, . . . . .	688, 708
Trust and Banking Company, Chapin, of Springfield, incorporated, . . . . .	710
“ “ “ Fall River, incorporated, . . . . .	870
“ “ “ Springfield, incorporated, . . . . .	902
Trustees, irregularly appointed; accountability, payments may be confirmed, S. J. Court may decree as to rights of parties interested, . . . . .	684
“ may execute mortgages containing power of sale, . . . . .	708
“ under wills, bonds of, . . . . .	551
“ of Delta Psi Society of Williams College, incorporated, . . . . .	592
“ of Lenox Academy may sell real estate, . . . . .	543
“ of Methodist Episcopal Church in Winchendon, incorporated, . . . . .	737
“ of Sigma Phi Society of Williams College, incorporated, . . . . .	558
“ of Smith Charities, act incorporating amended, . . . . .	506
“ of State Industrial School, number increased from advisory board, . . . . .	593
Tunnel, Hoosac, appropriation for completion of, . . . . .	869
“ “ “ “ expenses of engineering, . . . . .	919
“ “ certificates of indebtedness to contractors, release of mortgage on tools, . . . . .	928

	Page
Turner's Falls Land and Improvement Company, charter amended, .	525
Twisden, Ebenezer S., may extend wharves in Marblehead, .	512
Tyngsborough, highway and bridge in, time for construction, .	542
Tyngsborough and Brookline Railroad, time for location and construction, . . . . .	535

## U.

Undertakers, fees of for making returns of deaths, . . . . .	618
Uniforms to be worn by officers of state prison, . . . . .	608
Union Freight Railroad Company, shall receive and deliver passenger cars at connections, . . . . .	636
Union Hall Association, may increase capital, . . . . .	521
Union Passenger Station at Worcester, and removal of certain tracks, time extended, . . . . .	503
Union Wharf Company, may extend wharf in Vineyard Haven, .	545
United States, jurisdiction ceded to, over land required for post-offices, .	510
"    "    may purchase land in Boston for sub-treasury and post-office, . . . . .	605
"    "    Navy, testimonials to certain persons in, . . . . .	919
Universal Exposition at Vienna, agents to, appropriations, . . .	919

## V.

Vessels in coasting trade, exempted from compulsory pilotage, .	710
Veto Power of mayors of cities, over expenditures of money, . . .	560
Vienna Exposition, appointment of agents to, appropriations, .	919
Visiting Agent, board of charities, salary established, . . . .	912
Vose, Robert, Jr., acts as coroner confirmed, . . . . .	747

## W.

Wakefield, town of, may pay bounties to soldiers or their heirs, .	702
Wamesit Power Company, may contract with other corporations for mutual insurance, . . . . .	548
Ware River Railroad, purchasers may organize corporation, . . .	626
Warehouses, Public, additional provisions respecting, . . . . .	620
Watchmen at state house, salaries established, . . . . .	909
Water, supply for cities and towns, contracts authorized, . . .	685
Water, supply for city of Springfield, additional, . . . . .	526
"    supply for town of Arlington, . . . . .	640
"    "    "    Lexington, . . . . .	702
"    "    "    Natick, . . . . .	528
"    "    "    South Adams, . . . . .	611
"    "    "    South Hadley Falls, town may issue bonds, .	548
"    "    "    West Stockbridge, . . . . .	602
"    "    "    Westborough, . . . . .	532
"    "    "    Westfield, . . . . .	826
"    "    "    Winchester, additional act, . . . . .	707

	Page
Water, supply for town of Woburn, additional act, . . . .	590
“ “ for village of Attleborough, . . . .	698
Water Company, Arlington Lake, purchase by town confirmed, .	640
“ “ East Mountain, in West Stockbridge, incorporated, .	602
“ “ Lexington, established, town may hold stock or purchase franchise, . . . .	702
Water Power Company, Holyoke, may make and sell gas, . . .	517
“ “ “ “ provisions respecting canals, . . . .	582
“ “ “ Wamesit, may contract with other corpora- tions for mutual insurance, . . . .	548
Weed, Otis H., deed to by executors under will of Ebenezer Crafts, legalized, . . . .	920
Wellesley College, name established, . . . .	519
West Amesbury Branch Railroad Company, union with New Hamp- shire Company, . . . .	485
West Boylston, town of, allowance for support of pauper, . . .	922
West Roxbury, town of, and city of Boston may unite, . . .	810, 902
West Stockbridge, town of, supply of water for, . . . .	662
West Tisbury Parish, sale of parsonage property, act of 1852 repealed,	518
Westborough, town of, supply of water for, . . . .	532
Westfield, town of, supply of water for, . . . .	826
Wharf in Boston, Old Colony Railroad Company may extend, .	604
“ Dartmouth, James Ritchie and others may build, . . .	542
“ Fall River, American Print Works may enlarge, . . .	502
“ “ Barnabas Clark may extend, . . . .	520
“ “ Charles P. Stickney and Joseph A. Bowen may extend, . . . .	738
“ “ Cook Borden may build, . . . .	544
“ “ Job T. Wilson may build, . . . .	520
“ “ Leonard Brightman may build, . . . .	908
“ Haverhill, city may build, . . . .	683
“ “ E. T. Ingalls and A. R. Kimball may build, . . .	552
“ “ Warren Ordway may build, . . . .	545
“ Ipswich, E. H. and M. F. Stanwood may build, . . .	552
“ Marblehead, Benjamin D. Dixie may extend, . . . .	502
“ Nahant, town may build, . . . .	556
“ Newburyport, Elbridge G. Kelley may extend, . . .	555
“ “ Henry M. Cross may extend, . . . .	501
“ “ Moses E. Hale may build, . . . .	555
“ Quincy, John F. Dodge and others may build, . . .	518
“ “ Owen Bearse may build, . . . .	518
“ Somerville, Boston and Maine Railroad Company may build,	534
“ Vineyard Haven, Union Wharf Company may extend, .	545
“ “ William Lewis may extend, . . . .	502
Wharf Companies, certain, dissolved, . . . .	842
Wharf Company, Nickerson's, estate in East Boston, . . .	519
“ “ Old Colony, in Boston, incorporated, . . . .	647
“ “ Union, may extend wharf in Vineyard Haven, . . .	545

	Page
Wharves in Marblehead, William Humphreys and E. S. Twisden	
may extend, . . . . .	512
Widows, waiver of provisions made for them in wills, time for	
extended, . . . . .	519
Williams College, trustees of Delta Psi Society, incorporated, .	592
"      trustees of Sigma Phi Society, incorporated, .	558
Williamstown and Hancock Railroad Company, act 1869 concerning,	
amended, . . . . .	540
Wills, bonds of Trustees under, . . . . .	551
"      waiver of provisions by Widows, time for extended, . .	519
Wilson, Job T., may build wharf in Fall River, . . . . .	520
Winchester, town of, supply of water for, additional act, . . .	707
"      "      part annexed to Woburn, . . . . .	709
Winthrop Church in Holbrook, enlargement of, . . . . .	592
Winthrop Railroad, completion and equipment, Town may hold stock,	591
Witnesses may be summoned to testify in criminal cases in adjoining	
states, . . . . .	823
Woburn, town of, may issue additional water bonds, . . . . .	534
"      "      election of water commissioners, . . . . .	590
"      "      part of Winchester annexed to, . . . . .	709
Wooden Buildings in Boston for sanitary purposes, erection author-	
ized, . . . . .	478
Worcester, city of, city council to have control of public property, .	601
"      "      may lay out public park and maintain reservoir, .	609
"      "      may purchase and lease land for slaughter-houses,	709
"      "      Union Passenger Station in, time for completion,	
etc., extended, . . . . .	503
Worcester Academy, number of trustees, . . . . .	852
"      County, salary of Sheriff increased, . . . . .	537
"      Mutual Fire Insurance Company, may hold real estate, .	536
Worcester and Shrewsbury Railroad Company, may locate track in	
Worcester, . . . . .	539
Work-houses, cells in for solitary confinement, ventilation and bed-	
ding, . . . . .	569
Workingmen's Savings Bank of Florence, incorporated, name	
changed, . . . . .	501, 636
Wrentham, town of, may raise money by tax to celebrate two hun-	
dredth anniversary, . . . . .	758

Z.

Zoölogy, Museum of, allowance to, . . . . .	930
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